JOURNAL

OF

THE SENATE

OF THE STATE OF INDIANA,

DURING THE

TWENTY-NINTH SESSION

OF THE

GENERAL ASSEMBLY.

INDIANAPOLIS:
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JOURNAL

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THE SENATE

OF THE STATE OF INDIANA.

The twenty-ninth Session of the General Assembly of the State of Indiana, begun and held at the Capitol, in the city of Indianapolis, on Monday, the second day of December, in the year of our Lord one thousand eight hundred and forty-four.

The Hon. JESSE D. BRIGHT, Lieutenant Governor of Indiana and President of the Senate, took the chair, and directed a call of the members. Whereupon, the following Senators answered to their names, viz:

From the counties of Warren, Jasper, Pulaski and White—James H. Buell.
From the county of Hendricks—Archibald Alexander.
From the counties of Boone and Hamilton—Mark A. Duzan.
From the counties of Bartholomew and Jennings—Zachariah Tannehill.
From the county of Johnson—James Ritchey.
From the counties of Jackson and Scott—John F. Carr.
From the counties of Monroe and Brown—Eli P. Farmer.
From the county of Harrison—Dennis Pennington.
From the counties of Delaware and Grant—James Hodge.
From the counties of Perry, Spencer and Warrick—Robert G. Cotton.
From the county of Shelby—John Y. Kennedy.
From the county of Henry—Thomas R. Stanford.
From the county of Knox—John Ewing.
From the county of Putnam—Albert G. Hutton.

From the counties of Cass, Miami and Wabash—William M. Reyburn.
From the counties of Clinton and Carroll—Andrew Major.
From the county of Dearborn—George P. Buell.
From the county of Decatur—James Morgan.
From the counties of Fayette and Union—James Leviston.
From the county of Floyd—John S. Davis.
From the county of Fountain—C. V. Jones.
From the county of Franklin—George Berry.
From the counties of Laporte, Porter and Lake—Joseph W. Chapman.
From the county of Montgomery—Frederick Moore.
From the counties of St. Joseph, Marshall and Fulton—John D. Defrees.
From the counties of Noble, Lagrange, Steuben and Dekalb—David B. Herriman.
From the counties of Randolph, Blackford and Jay—I. F. Wood.
From the county of Tippecanoe—Godlove S. Orth.
From the counties of Vigo, Sullivan and Clay—Ransom W. Akin.
From the county of Marion—Thomas J. Todd.

SENATORS ELECTED IN 1844.

The following gentlemen, elected Senators since the last Session of the General Assembly, attended, and having produced their credentials, and taken the oath, administered by the Hon. JAMES W. BORDEN, President Judge of the twelfth judicial circuit, in pursuance of the Constitution, took their seats, to-wit:

From the counties of Green and Owen—John F. Allison.
From the county of Ripley—Henry J. Bowers.
From the county of Wayne—Abner M. Bradbury and David P. Holloway.
From the counties of Davis and Martin—Elijah Chapman.
From the county of Parke—William G. Coffin.
From the county of Vermillion—William P. Dole.
From the counties of Gibson, Pike and Dubois—Benjamin R. Edmonson.
From the county of Jefferson—Samuel Goodenow.
From the county of Lawrence—Hugh Hamer.
From the county of Switzerland—David Henry.
From the county of Washington—Ezekiel D. Logan.
From the counties of Hancock and Madison—Andrew Jackson.
From the counties of Vanderburgh and Posey—Joseph Lane.
From the counties of Orange and Crawford—Huston Miller.
From the county of Rush—Jesse Morgan.
From the county of Morgan—Parmenter M. Parks.

From the county of Clark—James G. Read.
From the counties of Elkhart, Kosciusko and Whitley—Matthew Rippey.
From the counties of Allen, Adams, Wells and Huntington—William Rockhill.

Mr. Stanford moved that the Senate proceed to the election of a Secretary.

Pending which, on motion of Mr. Berry,

A call of the Senate was ordered.

The Secretary proceeded to call the roll; when,

On motion of Mr. Defrees,

The further call of the Senate was suspended.

The question was then taken on the motion of Mr. Stanford, and the same prevailing, the Senate proceeded to the election of Secretary; Messrs. Stanford and Read acting as tellers; when, on counting the first ballot, it appeared that

William T. Otto	received	26 votes.
Willis A. Gorman	"	19 "
John P. Dunn	"	3 "
Blank	"	2 "

William T. Otto having received a majority of all the votes given, was declared duly elected Secretary of the Senate, and having been sworn into office by the Hon. David Kilgore, President Judge of the 11th Judicial Circuit, entered upon the duties of the same.

On motion of Mr. Parks,

The Senate proceeded to the election of an Assistant Secretary; Messrs. Parks and Defrees acting as tellers; when, on counting the first ballot it appeared that

John Grant	received	26 votes.
John W. Hill	"	4 "
Finley Mattocks	"	1 vote.
Edward C. Doran	"	17 votes.
Samuel Jennison	"	2 "

John Grant having received a majority of all the votes given, was declared duly elected Assistant Secretary, and having been sworn into office by the Hon. David Kilgore, President Judge of the 11th Judicial Circuit, entered upon the duties of his office.

On motion of Mr. Herriman,

The Senate proceeded to the election of a Door-keeper, Messrs. Herriman and Stanford acting as tellers; upon counting the first ballot, it appeared that

Benjamin Sayre	received	23 votes.
John Bishop	"	16 "

Samuel Hall	received	3	votes.
Joseph Martin	"	2	"
Rufus Moore	"	2	"
J. C. Smith	"	1	vote.
Jacob Tice	"	1	"
J. Gibson	"	1	"
Smith Wingate	"	1	"

No one of the candidates having received a majority of all the votes given, the Senate proceeded to a second balloting; and upon counting the vote it appeared that

Benjamin Sayre	received	23	votes.
John Bishop	"	16	"
Rufus Moore	"	2	"
Smith Wingate	"	2	"
J. Gibson	"	2	"
Robert C. Allison	"	2	"
J. C. Smith	"	1	vote.
Jacob Tice	"	1	"
Samuel Hall	"	1	"

No one of the candidates having received a majority of all the votes given, the Senate proceeded to a third balloting; and upon counting the third ballot it appeared that

Robert C. Allison	received	23	votes.
John Bishop	"	15	"
Samuel Hall	"	4	"
Rufus Moore	"	3	"
Joseph Martin	"	2	"
J. C. Smith	"	1	vote.
Smith Wingate	"	1	"
Jacob Tice	"	1	"

No one having received a majority of all the votes given on the third ballot, the Senate proceeded to ballot a fourth time; and upon counting the fourth ballot it appeared that

Robert C. Allison	received	24	votes.
John Bishop	"	13	"
Samual Hall	"	6	"
Joseph Martin	"	3	"
Rufus Moore	"	2	"
Jacob Tice	"	1	vote.
Blank	"	1	"

No one of the candidates having received a majority of all the votes given on the fourth ballot, the Senate proceeded to ballot a fifth time; and upon counting the fifth ballot it appeared that

Jacob Tice	received	20	votes.
John Bishop	"	13	"
Rufus Moore	"	5	"
Joseph Martin	"	5	"
Samuel Hall	"	3	"
J. C. Smith	"	2	"
Smith Wingate	"	1	vote.
Robert C. Allison	"	1	"

No one of the candidates, on the fifth ballot, having received a majority of all the votes given, the Senate proceeded to ballot the sixth time; and upon counting the sixth ballot it appeared that,

Jacob Tice	received	19	votes.
John Bishop	"	15	"
Joseph Martin	"	7	"
Robert C. Allison	"	4	"
Rufus Moore	"	2	"
Samuel Hall	"	2	"
Smith Wingate	"	1	vote.

No one of the candidates having received a majority of all the votes given on the sixth ballot, the Senate proceeded to a seventh balloting; and upon counting the seventh ballot, it appeared that,

Joseph Martin	received	23	votes.
John Bishop	"	20	"
Robert C. Allison	"	4	"
Rufus Moore	"	1	vote.
Jacob Tice	"	1	"
Smith Wingate	"	1	"

No one of the candidates having received a majority of all the votes given on the seventh ballot, the Senate proceeded to ballot the eighth time; and on counting the eighth ballot, it appeared that,

Joseph Martin	received	28	votes.
John Bishop	"	19	"
Robert C. Allison	"	2	"
Blank,		1	vote.

And it appearing that Joseph Martin had received a majority of all the votes given, he was thereupon declared duly elected Door-keeper of the Senate, was sworn into office by the Hon. David

Kilgore, President Judge of the eleventh judicial circuit, and entered upon the duties of his office.

On motion of Mr. Orth,

Resolved, That the Senate will not elect a Sergeant-at-arms until it be found indispensably necessary to have such an officer.

On motion of Mr. Henry,

Resolved, That the House of Representatives be informed that the Senate have convened, formed a quorum, elected William T. Otto, Secretary; John Grant, Assistant Secretary; and Joseph Martin, Doorkeeper; and that they are now ready to proceed to legislative business.

On motion of Mr. Orth,

Resolved, That the standing rules in force for the government of the Senate, during the last session, be adopted for its government during the present.

On motion of Mr. Morgan of Rush,

The Senate adjourned until 2 o'clock, P. M.

2 *o'clock*, *P. M.*

The Senate assembled.

On motion of Mr. Edmonson,

The Senate adjourned until to-morrow morning 9 o'clock.

TUESDAY MORNING, December 3, 1844.

The Senate assembled.

The Journal of the preceding day was read.

On motion of Mr. Alexander,

Resolved, That the public printer be directed to furnish, at as early a period as possible, for the use of the Senate, one hundred copies of the standing rules and orders for the government of, and conducting business in, the Senate.

When, on motion of Mr. Carr,

The Senate adjourned.

2 *o'clock*, *P. M.*

The Senate assembled.

Mr. Buell of Dearborn offered the following resolution:

Resolved, That the Door Keeper be, and he is hereby authorized and directed to contract with the proprietors of the Indiana State Sentinel, and of the Indiana State Journal, for the delivery during the present session, of six copies of their respective tri-weekly papers, separately enveloped, to the President of the Senate, and to each Senator and Secretary, at a price not exceeding one dollar per copy.

On motion of Mr. Chapman of Laporte,

A call of the Senate was ordered, after which,

Mr. Pennington moved to excuse Messrs. Davis and Lane, on account of ill health, which was agreed to.

Mr. Akin moved to excuse Mr. Ritchey, which was agreed to.

Mr. Buell of Dearborn moved to suspend further call, to which the Senate did not agree.

On motion of Mr. Chapman of Laporte,

The absentees were sent for, and having made their appearance,

On motion of Mr. Parks,

The call was suspended.

The question then recurring on the resolution of Mr. Buell, the ayes and noes were called for by two Senators, and were as follows:

Those who voted in the affirmative are,

Messrs. Bradbury, Bowers, Buell of Dearborn, Buell of Warren, Chapman of Davis, Chapman of Laporte, Coffin, Cotton, Davis, Dole, Defrees, Edmonson, Hamer, Herriman, Hodge, Holloway, Hutton, Jones, Kennedy, Leviston, Logan, Miller, Orth, Parks, Read, Rockhill, and Todd—27.

Those who voted in the negative are,

Messrs. Alexander, Allison, Berry, Carr, Duzan, Ewing, Farmer, Henry, Jackson, Major, Moore, Morgan of Decatur, Morgan of Rush, Pennington, Rippey, Stanford, Tannehill, and Wood—18.

So said resolution was adopted.

On motion of Mr. Farmer,

Resolved, That the editors and reporters of newspapers published in this State, who are, or may be in attendance, during the present session of the General Assembly, be permitted to occupy seats within the bar of the Senate, to be appropriated to them by the President

of the Senate, for the purpose of reporting proceedings for their respective papers.

On motion of Mr. Henry,

Resolved, That the joint rules which were in force for the government of the General Assembly at its last session, be adopted by the Senate as the rules of joint action for the present session; and that the House of Representatives be informed of the adoption by the Senate of said joint rules, and their concurrence requested therein.

On motion of Mr. Read,

The Senate adjourned.

WEDNESDAY MORNING, December 4, 1844.

The Senate assembled.

The Journal of the preceding day was read.

The following message was received from the House of Representatives by Mr. Farquhar, their Clerk:

Mr. President:

I am directed by the House of Representatives to inform the Senate that the House has adopted the following resolution:

Resolved, That the Clerk of this House inform the Senate that the House of Representatives has convened, formed a quorum, elected Alexander C. Stevenson, Speaker; John H. Farquhar, Principal Clerk; George M. Davis, Assistant Clerk; Daniel M. Tilton, Doorkeeper; and is now ready to proceed to legislative business.

And also the following message:

Mr. President:

I am directed by the House of Representatives to inform the Senate that the House has passed the following resolution:

Resolved, That a committee of two be appointed on the part of the House, to act with a similar committee on the part of the Senate, to wait on the Rev. Phineas D. Gurley, and request him to attend in the Hall of the House of Representatives on to-morrow morning at ten o'clock, to open the present session of the General Assembly by prayer; and that the Senate be requested to reciprocate this resolution; and that seats be provided for them on the right of the Speaker's chair.

Messrs. Handy and Leslie are appointed a committee on the part of the House.

On motion of Mr. Morgan of Rush,

The Senate reciprocated the resolution contained in the above message.

Messrs. Morgan of Rush and Chapman of Laporte were appointed a committee on the part of the Senate.

A message from the House of Representatives by Mr. Farquhar, their clerk:

Mr. President:

I am directed by the House of Representatives to inform the Senate that the House has adopted the following resolution:

Resolved, That a committee of two be appointed on the part of the House, to act with a similar committee on the part of the Senate, to wait on His Excellency, the Governor, and inform him that both Houses are fully organized, and are now ready to receive any communications that he may deem proper to make; and report to this House at what time such communications will be made. And that the Senate be informed of the adoption of this resolution; and the appointment of a similar committee on the part of that body is respectfully requested.

Messrs. Wright and Sullivan are appointed said committee on the part of the House.

On motion of Mr. Herriman,

The resolution of the House of Representatives, contained in the foregoing message, was reciprocated.

Messrs. Herriman and Henry were appointed a committee on the part of the Senate.

Mr. Defrees offered for the consideration of the Senate the following resolution:

Resolved, That a select committee of five be appointed by the President, whose duty it shall be to inquire into, and report to the Senate, as to the feasibility of providing for the adjustment of our State indebtedness upon the following basis, to-wit:

1st. Fund our internal improvement debt, including present interest, and interest one year in advance; issue new bonds therefor, bearing three per cent. interest, redeemable after twenty-five years, with which to take up our present outstanding bonds.

2d. To meet the interest on the bonds thus issued, pledge irrevocably (exclusive of trust funds) all our resources, which now are, or may hereafter become available, from any source whatever; and the residue to be raised by taxation.

3d. Absorb the outstanding treasury notes by taxation the next fiscal year.

And also whether such a proposition, if deemed practicable, could be made to our bondholders, consistent with a just estimate of State character; and that said committee report by bill or otherwise.

Mr. Herriman moved to lay said resolution on the table.

The ayes and noes being called for by two Senators, they were as follows:

Those who voted in the affirmative are,

Messrs. Akin, Berry, Buell of Dearborn, Carr, Chapman of Laporte, Duzan, Edmonson, Goodenow, Henry, Herriman, Hodge, Hutton, Jackson, Jones, Kennedy, Leviston, Logan, Major, Miller, Morgan of Decatur, Orth, Parks, Pennington, Read, Rippey, Rockhill, Stanford, Tannehill, Todd, and Wood—30.

Those who voted in the negative are,

Messrs. Alexander, Allison, Bowers, Bradbury, Buell of Warren, Chapman of Daviess, Coffin, Cotton, Davis, Defrees, Dole, Farmer, Hamer, Holloway, Moore, Morgan of Rush, and Reyburn—17.

So the resolution was laid on the table.

The President laid before the Senate the following communication:

SENATE CHAMBER,
December 4th, 1844.

SIR: In compliance with a resolution of the Senate, adopted on yesterday, I have contracted with the proprietors of the Indiana State Sentinel and the Indiana State Journal for the delivery, during the present session, of six copies of their respective tri-weekly papers, separately enveloped, to the President of the Senate, and to each Senator and Secretary. The stipulated price of the same is one dollar per copy.

The agreement is herewith laid before the Senate.

I am, very respectfully,
Your obedient servant,
JOSEPH MARTIN.

HON. JESSE D. BRIGHT,
Lieutenant Governor of Indiana,
and President of the Senate.

The undersigned, in accordance with the provisions of a resolution this day passed by the Senate of the Indiana Legislature, agree to furnish to each member, the President, and Secretaries of that body, six copies repectively of the Indiana State Sentinel and Indiana State Journal, separately enveloped, to be published three times a week during the present session of the Legislature, at one dollar per copy.

S. V. B. NOEL,
G. A. & J. P. CHAPMAN.

Mr. Morgan of Rush, from the committee appointed on the part of the Senate, to wait on the Rev. Phineas D. Gurley, submitted the following report:

MR. PRESIDENT:

The joint committee appointed to wait on the Rev. Phineas D. Gurley, a minister of the Gospel, and request him to attend in the Hall of the House of Representatives this day, for the purpose of opening the present session of the General Assembly with prayer, have performed that duty, and have received for answer that he will attend at ten o'clock, A. M., for that purpose, as requested by your committee.

Mr. Read asked and obtained leave of absence until two o'clock.

The following message was received from the House of Representatives by Mr. Farquhar, their Clerk:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the House has reciprocated the resolution of the Senate, adopting the joint rules which were in force for the government of the General Assembly at its last session.

On motion of Mr. Chapman of Laporte,
The Senate adjourned.

2 *o'clock, P. M.*

The Senate assembled.

Mr. Herriman, from the joint committee appointed to wait on His Excellency the Governor, reported as follows:

MR. PRESIDENT:

The joint committee consisting of two Senators and two members of the House of Representatives, appointed to wait upon His Excellency the Governor, and inform him that the two Houses of the General Assembly were duly organized, and were ready to receive any communication he might be pleased to make to them, and to report to their respective Houses at what time he would make such communication, have directed me to report to the Senate that they have discharged the duty assigned to them. The committee were informed by His Excellency that he would on this day, at half past two o'clock, P. M., in the Hall of the House of Representatives, communicate his annual message to the General Assembly.

The following message was received from the House of Representatives by Mr. Farquhar, their Clerk:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the House has adopted the following resolution:

Resolved, That the Senate be invited to attend, *instanter*, in the Hall of the House of Representatives, to receive the message of His Excellency the Governor; and that seats be provided for them on the right of the Speaker's chair.

Whereupon, the Senate immediately proceeded to the Hall of the House of Representatives; and after receiving the following message from his Excellency the Governor, returned to their Chamber:

MESSAGE.

Gentlemen of the Senate,
and of the House of Representatives:

We have cause of deep thankfulness to a beneficent Providence, that during the past year we have been permitted, within the limits of our own beloved State, to enjoy the blessings of civil and religious liberty, unmolested by the hand of misguided zeal or lawless violence —that the sacred right of worshipping Almighty God according to the dictates of conscience, so justly conceded to each and every individual by the constitution, has, in practice, been scrupulously respected— that the benefits of education have been increased and extended in its various departments—that peace, morality, and good order have prevailed, the supremacy of the laws been acknowledged, and the mild influence of religion felt far and near.

The annual meeting of the Representatives of the State, to whose hands are temporarily committed the great and varied interests and well being of a confiding people, is in itself, well calculated to awaken that deep sense of responsibility which, it is confidently trusted, will insure wisdom and prudence in your councils, and eventuate in the public good.

As the public statutes of the State have recently undergone a thorough revision, and at great expense, the hope is indulged, that but few subjects of a general nature will, at this time, require your consideration. All legislation, but especially that which is general in its bearing, should be exercised with great care and deliberation, and (except in palpable cases) should be tested by time and experience, before resort is had to modification or repeal.

The ordinary expenses of the Government, for the fiscal year ending with the 31st day of October last, were $93,368 73, as will be

shown by the report of the Treasurer, which he will shortly lay before you. Of this sum, however, I am authorised to state, that more than $17,000 were on account of stationery for the Revised Statutes of 1843, for printing and distributing the same, and for compensation of the revisors; and the same is therefore justly chargeable to the expenditures of former years. A considerable portion, also, of the expenses of the contingent fund, included in the first named sum, accrued during the year 1843, although audited and paid during the present year. By the same report it will be seen, that under a law of the Legislature, the Treasurer effected a loan from the Michigan City, Vincennes, and Fort Wayne Branches of the State Bank, to enable him to meet the expenses of the State. Provision, by law, was made at the same session, which, it was trusted, would ensure the faithful paying over to the Treasury, by the Collectors, the same currency by them received for State revenue; and as by the partial absorption of the treasury notes in circulation, which are receivable for taxes, they had considerably increased in value, a hope was, and yet is entertained, that an amount of bankable funds will thus be collected, sufficient to meet the loan referred to, at maturity. But as these officers are, by the present law, not required to pay into the treasury the amount due for State Revenue, before the fourth Monday in February, it is earnestly submitted whether early provision should not be made to meet any unforeseen contingency in reference to this debt, as well as to defray the expenses of the ensuing year.

The Auditor, in his report herewith submitted, estimates the sum necessary for the ordinary expenses of the current fiscal year, at $67,950. In this statement, however, it should be observed, he does not include any estimate for unaudited claims due before the 31st of October last, the State-house, the new State Prison, nor for the restitution of trust funds, which, as I am informed by him, had been, in the exigencies of the public service, paid out from the Treasury in former years without appropriation.

The subject of our State debt is of primary importance, and demands our utmost attention. On consulting the best sources of information, the following, it is believed, is a correct statement of the nature and present amount of all claims against us, with perhaps, a few unimportant variations:

FUNDED DEBT.

On account of Wabash and Erie Canal, - -	$1,727,000
Internal Improvements, (proper,) - - - -	8,900,000
Bank, - - - - - - - - - -	2,413,000
Madison and Indianapolis Rail-road, - - -	456,000
Lawrenceburgh and Indianapolis Rail-road, - -	221,000
Surplus Revenue, - - - - - -	294,000
Interest, and to redeem Treasury Notes, - -	1,100,000
	$15,111,000

Of these there have been redeemed and cancelled in Bonds, - - -	1,829,000	
There were cancelled without being put into circulation of the $1,100,000, being seven per cent. Bonds, - -	1,064,000	
		2,893,000
Outstanding, - - -		$12,218,000
Of these the bank regularly pays the interest on -		1,390,000
Leaving - - - - -		$10,828,000

On which no interest is paid, and no provision is made for its payment.

Of this sum, $100,000 bears six per cent. interest; $10,692,000 five per cent. interest, and $36,000 seven per cent. interest.

The annual interest, therefore, on the Funded Debt, (exclusive of what is paid by the bank,) is on

$100,000 at six per cent., - - - - -	$6,000
$36,000 at seven per cent., - - - - -	2,520
$10,692,000 at five per cent., - - - -	534,600
	$543,120

The Domestic or Unfunded Debt may be stated as follows:

Six per cent. Treasury Notes, outstanding, - -	$677,000
Interest thereon to 1st January, 1845, - - -	170,000
Five per cent. Treasury Notes, outstanding, - -	513,000
Interest thereon, say 1st June 1842, to 1st Jan. 1845,	66,262
Borrowed of Michigan City Bank, - - -	40,000
Borrowed of Vincennes Bank, - - - -	10,000
Borrowed Fort Wayne Bank, - - - -	6,000
Quarter per cent. Treasury Notes, outstanding, -	39,000
	$1,521,262

To this may be added the loans by the former operations of the Treasury, from various trust funds; which should be replaced as speedily as possible, particularly the amount borrowed from the Three per cent. Fund,—that being much needed and loudly called for by the various counties to which it belongs.

In this state of our affairs, and preparatory to action on the subject, it behooves us to carefully survey the whole ground, and note the obstacles which beset our path.

It is far more difficult to pay the interest on a foreign, than on a domestic debt. In the former case, there is an annual drain of the precious metals, which directly, (and under the present banking system, to a far greater extent, indirectly,) diminishes the circulation of the country. In the latter case the interest is paid to citizens residing in the same country, in the local currency,—it still remains in the same community, and no material diminution in the circulation is occasioned.

The government of Great Britain would be crushed under the weight of its immense debt, were it not due to its own subjects. Their onerous taxes could not be borne, if they were not simultaneously received from, and paid out to persons inhabiting the same country. A constant drain of specie cannot be long sustained by any country, unless the vacuum thereby occasioned, is from time to time replenished by the exportation of industrial products.

The same is true of our foreign commerce. Cash payments for balances in favor of imports would, if continued, shortly drain the whole country of specie. Before that time would arrive, however, the greater cheapness of the staples, arising from their accumulation at home, and the scarcity of money caused by it its being sent abroad, would occasion the former to be exchanged for the latter, and the equilibrium would be restored. The comparatively small amount of specie brought into the United States, by immigration, or produced from our mines, can not be relied on for restoring these balances, in as much as it scarcely keeps pace with the rapid growth of our population, as compared with that of most other countries. The balance of the trade of the United States may at times be unfavorable. But in that case it will soon be restored by a corresponding amount of exports. For, if it is at once restored by cash payments, still there must be an excess of exports afterwards, to supply the loss of currency occasioned by such payments, which amounts to the same thing. Thus, while our own commercial history shows these vibrations in trade, it also establishes the fact that the average exports and imports of the United States are equal. The apparent balances against us, while many of the States were engaged in making loans from abroad, for objects of improvement, and other purposes, arose from the fact that the far greater part of these loans passed through our custom houses in the shape of goods, into which they had been converted in Europe. These loans of the indebted States amount to above $200,000,000, and it is manifest from what has been said, that this large *balance* when paid, with its accruing interest, must be met, directly or indirectly—sooner or later —by the increased exportation of our agricultural and other staple products.

If the foregoing views are correct, the discharge of our foreign indebtedness will be more or less onerous, accordingly as the tariff policy adopted by the general government, is more or less restricted. Indiana is now almost destitute of a currency, because there has been

a constant drain upon it, to pay our large balances due to the eastern cities. To supply this deficiency, we must have a ready and profitable sale of our agricultural productions. A common argument in favor of the restrictive system, is, that it furnishes a home market for the farmer. But a reference to the returns in the last census, demonstrates that the agricultural productions of the United States far exceed any domestic demand for consumption. And they would be still greater, if the industry and enterprise of the farmer, were stimulated by remunerating prices. The manufacturing States, are themselves, largely agricultural. What they lack in supplying the demand within their own limits collectively, could be easily furnished by a single western State. Where then are the other agricultural States to find a market for their surplus? Or, should there be an increase of manufacturers, sufficient to consume the surplus produce of the whole country, where would their fabrics find a market? "At home, the demand would bear no proportion to the supply," and (if the doctrine of the restrictionists themselves is correct) "abroad, others would undersell."

The wealth of a country consists in the products of labor, in its largest sense. The aggregate of this wealth cannot be increased by legislation; it is limited by the number, strength, industry, and skill of those engaged in its acquisition. Any legislation, therefore, that gives certain individuals in the community, higher prices for their products than they could ordinarily get in the natural course of trade, or, in other words, bestows upon them more than their share of the aggregate wealth created by the joint efforts of all, must do it at the expense of others. We have an illustration of this truth in the operation of the existing "protective system," as it is styled by its advocates. We are now paying increased prices for fabrics of the large manufactories, which are consequently dividing exorbitant profits, many of them from 10 to 30 per cent., on their investments. And yet the prices of western produce, our almost exclusive reliance for meeting this large and increasing drain on our means, are at the lowest ebb. We need a system that will "protect" as equally as practicable, the industry of the farmer and small mechanic as well as that of the wealthy capitalist. The question is not, whether duties on foreign goods shall be *abolished*, but what shall be their *extent?* Any amount of duty operates as a corresponding protection to the large manufacturer of the rival domestic article, who, therefore, under this system, must always have an advantage to that extent over the labor of the farmer. And ought he not to be satisfied with this advantage when created by duties sufficient for a reasonable revenue?

It has not been proposed in Congress to reduce the tariff duties below those established under the administrations of Washington, Jefferson or Madison. On the contrary, a willingness has been manifested to go beyond them, if found necessary, for the economical expenditure of the government.

Many advocates of the so called "*protective*" policy profess to be in favor of a system limited to the fiscal necessities of the country, or as it is usually termed, a Revenue Tariff. But under the existing tariff regulations, we find that the revenue will largely exceed the legitimate wants of the Treasury. This not only tempts to lavish prodigality on the part of government, but it operates as an oppressive tax on western labor. Its effect is the greater or less exclusion of imports, which, as has been shown, must limit the amount of our exports to a corresponding extent. This results directly as a twofold injury to the farmer, for, by the exclusion of foreign manufactures the demand for and prices of the domestic article which he is compelled to purchase, is increased, while the demand for the produce of his own labor, thus accumulated at home, is limited, and the price consequently diminished.

The most thorough conviction is felt, that our embarrassments must, to a greater or less extent, be aggravated, while such a system continues to exist.

The great mass of our fellow citizens, I will not suffer myself to doubt, are willing—nay, anxious—to meet all our just obligations. With them it is not a question of inclination but of ability. But the extent of the debt, the actual condition, and the means of the State, and a more thorough examination of the whole subject, have only served to confirm me in the opinion I expressed on a former occasion, that it is beyond our power to meet our liabilities. Indeed, so far as my observation has extended, the opinion advanced by my predecessor in his last annual message, "that we cannot now pay the interest on our public debt," is universally entertained among the people of the State.

Since the last adjournment, I have received a communication from Boston, enclosing a memorial from sundry of our bondholders in London. It was only competent for me to acknowledge its receipt, express my individual opinion as to the ability of the State to meet their claims, and engage to lay the memorial before the General Assembly, which is accordingly done.

Under all the circumstances, I would recommend that provision be made by law for the appointment of one or more commissioners, to receive any such communications as may be hereafter addressed to the authorities of the State, in reference to this matter, in the hope of making an arrangement as to all our just debts, which, while it will bring the subject within our means, will save the honor of the State, and be satisfactory to our creditors. Such an arrangement should, of course, not be binding until ratified by the Legislature, or what is perhaps better, until confirmed by a direct vote of the people. The latter, it is understood, was the course adopted by Michigan in relation to a portion of her debt, and that the arrangement was duly ratified at the polls by her citizens.

Few among us, I hope, would be found willing to repudiate any just claim against the State, and I have great confidence that if in

the manner proposed, a plan for extinguishing the debt is matured and agreed upon,—one which in terms will be feasible and clearly brought within the ability of the State to meet, that an appeal to the moral sense of the citizen for his approval at the ballot box, will not be made in vain.

The settlement of this question would infuse more of confidence throughout the community, would improve the credit of our citizens individually, would encourage immigration and hasten the improvement of the country. Our creditors, too, when thoroughly informed of our condition, and the extent of our means, will, it is hoped, see their own interest in an early adjustment of this matter, before the present anxiety of the people to discharge the debt is succeeded by apathy and despair.

In some of the indebted States the payment of their foreign liabilities, by a sale of their public works, has been agitated. In favor of this policy in our own State, it has been urged by some that our creditors advanced the loans, not on the ability of the State to make payments with its disproportionate resources, with which they must have first made themselves acquainted, but on the expected productiveness of the works for the construction of which the loans were made—that they could be finished more cheaply and speedily by individual enterprise than by government—that when completed they would be equally as profitable to the purchasers as to the State, if she were the proprietor; and that they could make payment for them at the cost of construction, in our depreciated bonds at par. On the other hand the advantage to the State by the adoption of such a measure, it has been suggested, would be, that these works would thus speedily be completed, which otherwise it would be impossible for the State with her present means and credit to finish—that the benefit to our citizens would, in that case, be as great as though the works were constructed by the State—that the progress of the works would give employment to our labor and a market for our produce, and finally, that our State debt would thus be proportionally absorbed. Provision might be made to limit the sales to the unfinished works, to prevent the exaction of extravagant tolls and charges, and that the works themselves should ultimately revert to and be the property of the State. Other restrictions might be added if found necessary for the rights of the respective parties.

I am aware that by an act of our Legislature of 1842, the privilege was extended to our creditors to purchase from the State all or any part of these works without restriction, making payment therefor in our bonds at their face. Although no bonds have been received in this way, it may have arisen from the fact, that it not only requires the joint action of a considerable number of our bondholders to make such an undertaking feasible or profitable, but they might desire further legislative action to secure their rights.

Power might also be conferred on the same Commissioners to negotiate with our creditors in relation to the latter mode, subject, in

like manner, to the ratification of the people, if the Legislature, on a full examination of the whole ground, shall deem it advisable.

By the adoption of some such measure for receiving overtures from, and negotiating with, our creditors, preliminary to a final adjustment of the whole matter, we shall give stronger evidence of that sincere desire, which I am satisfied is felt among us generally, to restore the honor and credit of the State, and of its citizens, than by vague and general professions against repudiation.

By the accompanying report of the Adjutant General it will be seen, that under existing laws, no returns of the strength of the militia of the State have been received, and that in consequence we have been drawing our quota of public arms from the General Government ever since the year 1832, on the basis of the report then made of our military strength to the War Department. That quota is estimated at the yearly value of $5,320 00, and as our population has more than doubled since that period, the just annual value, had we now the means of reporting our strength, would amount to at least $10,640 00. Besides the loss already sustained on this account since 1832, it will be seen that in the ensuing ten years it would amount to more than $50,000, and that too without taking into consideration our future growth in population.

By the report of the Quartermaster General, herewith submitted, it will be seen that no record or account has been found in his office of the arms received by the State from the General Government, under the act of Congress of 1808, until the 31st of December, 1832, nor from the 22d of August, 1837, until the quota received during the present year, although we are advised, by a letter from the Ordnance office, of the 20th of March last, that "the State of Indiana has drawn her regular annual quota up to and including the year 1843."

In this connection a few remarks will be submitted as to the security and preservation of the public arms. The usage has hitherto prevailed of loaning them to independent companies, organized from time to time, under the laws. The law of 1831 required receipts to be taken for all arms thus distributed; yet by that report it is shown that but one such receipt has been found,—that the only record or account found of such distribution commences in June, 1835, showing that the public arms thus distributed amount to the estimate of 1857 muskets, amounting, with the accoutrements, to 26,579 dollars, which falls short of what was received during the same period to the amount of 2,401 muskets, worth 31,622 dollars, for which there is neither charge nor receipts. In consequence of this omission, the Quartermaster General is mainly dependent on casual information, for a knowledge of the locality and condition of the far greater portion of the arms heretofore distributed. In many cases it is ascertained that companies receiving arms have been subsequently broken up or disbanded, that the arms have been scattered and injured; and in most cases, (especially as to those

which were early distributed,) it is feared they have been entirely lost to the State. Some public spirited officers, it is understood, have adopted the precaution of keeping the arms allotted to their respective companies, in their own care, excepting on days when they are required for manual exercise. As the commandant of the company is now made responsible by law for the safety of the arms, it is respectfully submitted, whether justice to him, as well as the interest of the State, do not require that his personal custody of the arms, with the limitation referred to, should not enter into the bond which he is now required to give for their preservation.

Unless our just proportion of the public arms are duly received and faithfully preserved, it is manifest that the wisdom and foresight of the General Government in providing them at great expense, for the different States, will, to a great extent, prove abortive, so far as Indiana is concerned. It is therefore submitted to the wisdom of the Legislature, whether some measure should not be adopted, to enable us to receive our rightful proportion of the public arms.

No official information has as yet been received of the progress made during the present year, in the extension of the Wabash and Erie Canal from Lafayette to Terre Haute. It is understood, however, that the report of the Superintendent will soon be communicated to you, and that that officer, the contractors, and others engaged in the construction of the canal, have been as actively employed as the embarrassments connected with the work would permit.

It is respectfully recommended that every facility consistent with other interests, be afforded to that important enterprise. As it will be attended with no further expense to the State, the lands granted by Government being deemed sufficient for its construction, the sooner it is completed, the better it will be for every interest concerned.

Under the authority of a joint resolution of last session, John H. Roberts, of Putnam county, Edwin J. Peck, of Marion county, and William Wines, of Vigo county, were appointed, immediately after the adjournment, to examine the foundation, materials, workmanship, and progress of the new State Prison. As their report, under the resolution, might, by its requirements, render early action on my part advisable, to avoid delay, I repaired forthwith to Jeffersonville, to afford all necessary assistance. Mr. Wines being prevented from meeting his colleagues there, his place was supplied by the appointment of Benjamin Cornelius, of Floyd county. The report of these gentlemen made it my duty, under the resolution, according to my judgment, "to cause the work to be suspended." On looking into the contract, it was next thought expedient to endeavor to compound with the contractors for its relinquishment, as authorised by the resolution. As the contractors would entertain no terms of compromise whatever, a new contract was entered into, by which ample security was provided for the future—the number of cells originally contracted for, and the form, dimensions, and materials of the work to be thereafter constructed, were made subject to alteration by the

Executive or the Legislature. It was also provided, that all claims for damages or compensation on the part of the contractors, by reason of the deviation from, or stoppage of, the original contract, were thereby relinquished. Failing to effect a compromise, as before remarked, the question whether any, and if any, what, compensation should be paid for the work condemned by the examiners, (limited principally, if not wholly, to the foundation of the outer wall) was, by the new contract, left open for the future action of the Legislature. The report of the examiners, exhibiting the condition of the work in detail, is subject to the inspection of the Legislature, and their report, as visiters of the old State Prison, will shortly be submitted to you.

The report of the superintendent of the work under the new contract, will also be laid before you when received.

The preparation of a system for the management, discipline, and government of the State prison, under the exclusive control of the State, required by the last named resolution, has been deferred for the want of information on the subject from other States, which I am in the expectation of receiving. This postponement has occasioned the less regret, as, besides the desire of profiting by the experience of similar institutions elsewhere, the contemplated system, if found expedient, could not go into operation until the expiration of the term for which the State prison has been let to the present superintendents. I am gratified, however, on reflection and inquiry, in being able to express my conviction, that whether the institution be conducted under individual or State control, the labor of the convicts can, as soon as the new prison is completed, be diverted into such channels as will confine them within the prison walls; and which, while it will be more profitable to the State, will not enter into competition with the mechanical industry of the citizen. It is submitted whether the cognizance of minor offences punishable by indictment, under existing laws, might not be advantageously transferred to justices of the peace, where the fine imposed would come within their jurisdiction, and yet be regarded as an adequate punishment. This course, if found practicable, would afford the circuit courts more time (generally much needed,) for the consideration of more important business, relieve many persons from a heavy tax upon their time as witnesses in these courts, for which, in criminal cases, by the present law they receive no compensation; exempt the defendant from a higher bill of costs, which independent of the fine, makes the punishment disproportionate to the offence, cause a more prompt and general execution of the penal laws of that grade, and tend to some extent to relieve the supreme court of its heavy and increasing labors.

The amount of business before the Supreme Court, occupying nearly all the time of the Judges, with the prospect of its greater increase, in future, demands the early attention of the Legislature. It is unnecessary to remark on the great importance of prompt

action in this matter to the rights of individuals and to the public interest.

By a joint resolution of the last Legislature, the Executive was requested to communicate by mail with the Governor of New York, expressive of the desire that the privilege of a drawback on salt manufactured in that State and delivered at Lafayette might by law be extended to all other points on the Wabash and Erie canal. This duty was performed, but no information has yet been received of the result of the application.

The annual report from the Board of Examiners of the Infirmary at Lafayette for the relief of the sick connected with the navigation of the Wabash and Erie canal, in which they set forth the causes that have rendered the act of the last session providing for that institution, inoperative, has been received, but not in time, to be noticed more particularly in this communication. It will at an early day be submitted to you for such action as you may deem advisable.

The Trustees of the Indiana Asylum for educating the Deaf and Dumb, have been organized under a law of the last session appointing them, and have been actively engaged in the discharge of their duties. The report of their proceedings, required by that act, has not as yet been furnished by the committee to whom its preparation was assigned, but I am gratified in being enabled to state that they have succeeded in procuring the continued services of qualified teachers in the institution, that the instruction of a number of Deaf mutes has been continued without interruption, and that the success of that benevolent enterprise, considering the infancy of the establishment, and the means at its disposal, have fully equalled expectation. The report referred to, containing a detailed account of the progress, and present condition of the Asylum will shortly be laid before the Legislature.

While on this subject, I desire earnestly to call your attention to the importance of providing an institution for the education of the Blind, and for the construction of a Lunatic Asylum. Modern philanthrophy has happily devised the means of educating those who are deprived of sight, and we should regard it as a sacred debt which we owe to these unfortunates to afford them the benefit of this benevolent discovery. It is now ascertained that insanity, the most terrible disease which afflicts our race, will in a majority of cases, readily yield to medicine, and kind treatment, if these means are resorted to in time. Its wretched subjects would thus be restored to the kindly charities of the domestic circle, to the benefits of society, and to their various relations, obligations, and advantages as members of the State.

Surely these unfortunate classes are all entitled to our warmest sympathy, and their relief to the extent of our ability, is called for by sound economy, by enlightened policy, by the gratitude we owe to a merciful Providence, for our own exemption from these evils, and by the obligations of religion.

That your deliberations may be characterized by wisdom, moderation, and harmony, is my ardent wish, and all measures for sustaining the honor and credit of the State, and for the promotion of the common welfare, will receive my hearty co-operation.

JAMES WHITCOMB.

EXECUTIVE CHAMBER,
December 3, 1844.

Mr. Todd offered the following resolution:

Resolved, That one thousand copies of the Governor's message be printed for the use of the Senate.

Mr. Pennington moved to strike out the words "one thousand" and insert "two thousand;"

Which was not agreed to.

Mr. Pennington then moved to strike out "one thousand" and insert "fifteen hundred;"

Which was consented to.

And thereupon the resolution, as amended, was adopted.

Mr. Herriman introduced,

No. 1. A bill to vacate a part of the town of Mongoquinong, in the county of Lagrange;

Which was read the first time and passed to a second reading.

Mr. Farmer offered the following resolution:

Resolved, That the Door-keeper be authorized to employ the usual number of assistants at a rate of compensation not exceeding that allowed for similar services during the last session.

On motion of Mr. Read,

Ordered, that said resolution do lie on the table.

The President communicated the following message from his Excellency, the Governor, which was read.

EXECUTIVE DEPARTMENT,
December 4, 1844.

To the Senate:

The Bill herewith returned, entitled "an act to incorporate the Lafayette and White River Turnpike Company," which originated in the Senate at the last session of the General Assembly, was presented to me on the eve of its adjournment without day, and the limited time then afforded me to examine its voluminous details, accompanied, as it was by a large number of other bills, requiring consideration, compelled me to avail myself of that provision of the Constitution of the State which allows the Executive, in case the general adjournment of the Legislature deprives him of the space of five days for the consideration of a bill, to return it within three days of the following session.

The provision of the bill, which more particularly occasioned a doubt in my mind as to the propriety of my approval of it, is that

contained in the ninth section, authorizing the corporation to issue "certificates of indebtedness," based on appraisals of real and personal property, disposed of as stock to the company, for the redemption of which, such property only is pledged. It is further provided that if the certificate issued exceed the sum of four thousand dollars, the stockholders shall be individually liable only for such excess; and this by necessary implication, gives the corporation power to issue such a currency to any further amount they may think proper, only making the stockholders individually liable therefor. These certificates would, when issued, become a currency, and as the company are not liable to be called upon to redeem them, until two years after their date, experience has too fatally shown that they must necessarily become depreciated in value. The stockholders composing the corporation at the time of the emission, might, as before remarked, issue to any amount; and for four thousand dollars of which the corporate property only would be liable; and they might easily avoid their individual responsibility for the overplus, by disposing of their stock, and consequently their membership and responsibility to insolvent and irresponsible persons. It is not intended to reflect on the policy heretofore adopted in the State, of issuing railroad and canal scrip and other currency, that is not promptly redeemable. Even should such a policy have proved to be salutary, there should, it seems to me, be a limit to the amount of such a currency. Such a circulation always operates as a tax upon the community, and generally upon those whose necessities least enable them to bear it. I should be rejoiced to see our State improved, especially in good roads, so necessary in the transportation to market of our surplus produce, if it can be done without the infliction of a worse evil upon the community, than that experienced from the want of such thoroughfares.

I am aware that credit is frequently necessary for the construction of works of general advantage: but there should be a limit even to that, and especially when resorted to in the form of one of the most exceptionable modes of credit, that of a depreciated currency.

Under these considerations, I regret to feel constrained to withhold my approval of the bill in question; but it is mitigated by the reflection, that under the Constitution it is still competent for the Legislature to pass it, if on a reconsideration of it, it shall in its better judgment, deem it advisable to do so.

JAS. WHITCOMB.

On motion of Mr. Orth,

Ordered, That said communication and the accompanying bill do lie upon the table.

On motion of Mr. Chapman of Laporte,

The Senate adjourned.

THURSDAY MORNING, December 5, 1844.

The Senate assembled.

The Journal of the preceding day was read.

Mr. Edmonson gave notice, that on to-morrow, he should move to amend the eighth standing rule of the Senate, so as to provide for the appointment of a committee on corporations.

Mr. Chapman of Laporte gave notice, that he should, on to-morrow, move to strike out the 53rd standing rule of the Senate.

Mr. Alexander moved to take from the table the resolution offered yesterday, providing for the employment of assistant door-keepers;

Which motion was disagreed to.

Mr. Buell of Dearborn introduced,

No. 2. "A bill relative to voters in the county of Dearborn;

Which was read, and passed to a second reading.

Mr. Hutton introduced,

No. 3. A bill supplemental to an act entitled "an act for the relief of Nathan Burchfield;" approved February 11th, 1843;

Which was read, and ordered to pass to a second reading.

Mr. Herriman introduced,

No. 4. A bill to authorize Probate Judges to take and certify acknowledgements of powers of attorney, deeds, mortgages, &c., and for other purposes;

Which was read, and passed to a second reading.

Mr. Buell of Dearborn introduced,

No. 5. A bill relative to the collection of taxes in the town of Rising Sun;

Which was read, and passed to a second reading.

On leave, Mr. Ewing presented the petition of Pierre (alias Peter) Poncin, praying the General Assembly to pass a special act, to enable him to sell and convey certain property.

On motion of Mr. Ewing,

Said petition was ordered to lie upon the table.

Mr. Ewing introduced,

No. 6. A bill for the relief of Pierre (alias Peter) Poncin, of Knox county;

Which was read, and ordered to a second reading.

The Senate proceeded to the consideration of the orders of the day.

No. 1. A bill to vacate a part of the town of Mongoquinong, in the county of Lagrange;

Which was read a second time, and ordered to be engrossed.

On motion of Mr. Carr,

Resolved, That the annual message of his excellency, the Gover-

nor, communicated to the General Assembly at its present session, be committed to a committee of the whole Senate, and made the order of the day for to-morrow, 2 o'clock, P. M.

On motion of Mr. Read,

The Senate adjourned.

2 o'clock, P. M.

The Senate assembled.

Message from the House, by Mr. Farquhar, their Clerk.

MR. PRESIDENT:

I am directed by the House of Representatives, to inform the Senate, that the House has adopted the following preamble and resolution.

"WHEREAS, This House, did on yesterday, pass a resolution appointing a committee to act with a similar committee on the part of the Senate, to wait upon the Rev. Phineas D. Gurley, to know of him whether he would open this General Assembly with solemn prayer—if so, at what time it would be his pleasure to do so. And whereas, unavoidable circumstances as was the opinion of this House, made it necessary for this House to adjourn this day at 10 o'clock, A. M.,

Resolved, therefore, That a committee be appointed on the part of this House, to act with a similar committee on the part of the Senate, to wait upon the Rev. Phineas D. Gurley, and know of him whether he will be pleased to open this General Assembly with solemn prayer—and if so, at what time it will be his pleasure to do so, and report to this House."

Messrs. Blakemore and Simonson are appointed said committee on the part of the House of Representatives.

On motion of Mr. Todd,

The Senate reciprocated the resolution contained in the foregoing message, and appointed Messrs. Todd and Hutton a committee on the part of the Senate.

Mr. Logan introduced,

No. 7. A bill to extend the time of holding Probate Courts in the county of Washington;

Which was read, and ordered to pass to a second reading.

Mr. Akin introduced,

No. 8. A bill to repeal the act incorporating the draw bridge company, at Terre Haute, Vigo county, approved January 15th, 1844;

Which was read and ordered to be passed to a second reading.

Mr. Todd, from the committee appointed to wait on the Rev. Phineas D. Gurley, presented the following report:

MR. PRESIDENT:

The committee, consisting of two Senators and two members of the House of Representatives, appointed to wait on the Rev. Phineas D. Gurley, and request him to open the present Session of the General Assembly with solemn prayer, and to learn from him, should he accede to their request, at what time it would suit his convenience to do so, have directed me to report to the Senate, that they have discharged the duty assigned to them, and have been informed by Mr. Gurley that he will attend for the purpose indicated in the resolution of the House, at the hall of the House of Representatives, on this day at half past two o'clock, P. M.

Mr. Dole offered the following resolution:

Resolved, That the Treasurer of State be requested to furnish the Senate, (at as early a period as practicable,) with a detailed statement of the amount of the Three per cent. Fund, and other trust funds, which have been borrowed, and used in the payment of the current expenses of the State.

On motion of Mr. Chapman,

The resolution was laid upon the table.

Message from the House, by Mr. Farquhar, their clerk:

MR. PRESIDENT:

I am directed by the House of Representatives, to inform the Senate that the House has adopted the following resolution:

Resolved, That the Senate be invited to attend, *instanter*, in the hall of the House of Representatives, to hear the prayer of the Rev. Phineas D. Gurley, and that seats be provided on the right of the Speaker's chair.

Whereupon the Senate proceeded to the hall of the House of Representatives, where the Rev. Phineas D. Gurley addressed a fervent and appropriate prayer to the throne of Divine Grace; and the Senate returned to their chamber.

Mr. Herriman introduced,

No. 9. A bill relative to the fall terms of the circuit courts in the twelfth judicial circuit, and for other purposes;

Which was read and ordered to pass to a second reading.

Mr. Herriman introduced,

No. 10. An act to vacate part of a State road in the county of Noble;

Which was read and ordered to pass to a second reading.

Mr. Bowers moved to take from the table the resolution of Mr. Farmer, authorising the door-keeper to employ the usual number of assistants.

To which the Senate consented.

On motion of Mr. Read,

The resolution was amended, by striking out all that part after the word "assistant;" and the resolution as amended was adopted.

Mr. Ewing offered the following resolution:

Resolved, That the Treasurer of State report to the Senate, at as early a day as may be practicable, the names, amounts, and residence, severally, of all persons now in default to the State in any way; and to any amount of money whatsoever; giving the date at which each such default occurred—and the present condition or circumstances attending the same.

Mr. Morgan of Rush moved to amend the resolution, by adding thereto,—except so much of the information herein required, as will be embodied in his annual report to his Excellency the Governor; which amendment was agreed to, and the resolution was adopted.

On motion of Mr. Chapman of Laporte,

The Senate adjourned.

FRIDAY MORNING, December 6, 1844.

The Senate assembled.

The Journal of the preceding day was read.

Mr. Berry presented the petition of Judah Hinkley, John H. Appleton, and others, citizens of Springfield township, Franklin county, Indiana, praying the General Assembly to so alter the law regulating the school fund of said township, as to authorize the citizens thereof to elect a school commissioner, to take charge of all moneys, books, papers, &c., belonging to said fund.

On motion of Mr. Berry,

The petition was referred to a select committee.

Ordered, That said committee be composed of Messrs. Berry, Cotton, and Leviston.

Mr. Farmer presented the petition of Isaiah W. Crow, Daniel McCaughn, and others, praying the General Assembly to permit the separate owners, of certain lands, to pay out the amount due the State thereon, and upon such payment, by either, or both of said owners, to order and direct the proper person to make good and sufficient deeds, to all, or each respectively.

On motion of Mr. Farmer,

The petition was referred to a select committee.

Ordered, That said committee be composed of Messrs. Farmer, Pennington, and Chapman of Daviess.

Mr. Rippey presented the petition of E. W. H. Ellis, Oliver Crane, and others, praying for the passage of an act for the relief of Wilson McConnell of Elkhart county.

On motion of Mr. Rippey,

The petition was referred to a select committee.

Ordered, That said committee be composed of Messrs. Rippey, Duzan, and Rockhill.

Mr. Chapman of Laporte, announced to the Senate the death of the Hon. Abner Davis, a Senator elect from the counties of Daviess and Martin; and the death of the Hon. William B. Mitchell, late a Senator from the counties of Elkhart, Kosciusko, and Whitley; and presented the following preamble and resolutions, which being seconded by Mr. Defrees, were unanimously adopted:

Whereas, Since the adjournment of the last session of the Legislature, it has pleased divine Providence to terminate the earthly existence of two members of this body, the Hon. Abner Davis, and the Hon. William B. Mitchell, therefore,

Resolved, *unanimously*, That the members and officers of the Senate, have learned with deep regret, the melancholy intelligence, of the death of the Hon. Abner Davis and the Hon. William B. Mitchell.

Resolved, *unanimously*, That the members and officers of the Senate, entertain a profound respect for the memory of their departed associates, and cherish a lively recollection of their character and virtues.

Resolved, *unanimously*, That, in token of respect for the memory of the deceased, the members and officers of the Senate, will wear the usual badge of mourning, during the remainder of the present session of the General Assembly.

Resolved, *unanimously*, That the President of the Senate be requested to transmit copies of these resolutions to the families of the deceased, with assurances of the sincere condolence of the members and officers of the Senate, on account of the recent afflictive dispensations of Providence.

Resolved, *unanimously*, That the Secretary do carry these resolutions to the House of Representatives, and that the Senate, in further testimony of their respect to the memory of the deceased, do now adjourn.

And the Senate thereupon adjourned.

2 o'clock, P. M.

The Senate assembled.

Mr. Hamer offered the following resolution:

Resolved, That the Senate will, the House concurring, proceed on this day at three o'clock P. M., in the Hall of the House of Representatives, to elect a United States Senator, to fill the vacancy which will be occasioned by the expiration of the term of the Hon. Albert S. White, and that said election shall in all respects be conducted as was required by law immediately previous to the passage of the Revised Statutes of 1843.

Mr. Defrees moved a call of the Senate, which motion was decided in the negative.

Mr. Chapman of Laporte, moved to postpone the consideration of the resolution until Monday next.

The ayes and noes thereupon being called for by two Senators,

Those who voted in the affirmative are,

Messrs. Akin, Berry, Buell of Dearborn, Carr, Chapman of Laporte, Chapman of Daviess, Defrees, Duzan, Edmonson, Herriman, Hutton, Jackson, Jones, Kennedy, Lane, Leviston, Logan, Major, Miller, Parks, Read, Rippey, Rockhill, Tannehill, and Wood—25.

Those who voted in the negative are,

Messrs. Alexander, Allison, Bowers, Bradbury, Buell of Warren, Coffin, Cotton, Davis, Dole, Farmer, Goodenow, Hamer, Henry, Hodge, Holloway, Moore, Morgan of Decatur, Morgan of Rush, Orth, Pennington, Reyburn, Stanford, and Todd—23.

So the consideration of said resolution was postponed until Monday next.

Message from the House by Mr. Farquhar, their Clerk.

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate, that they have *unanimously* adopted the following resolutions.

Resolved, unanimously, That the House of Representatives do cordially reciprocate the resolutions adopted by the Senate, expressive of their respect for the memory and regret at the death of the Hon. Abner Davis, and the Hon. William B. Mitchell.

Resolved, unanimously, That the members and officers of the House of Representatives, will, in token of their respect for the memory of the Hon. Abner Davis, and the Hon. William B. Mitchell, wear the usual badge of mourning during the remainder of the present session of the General Assembly.

Resolved, unanimously, That the Speaker be requested to transmit copies of these resolutions to the families of the deceased.

Resolved unanimously, That, as a further testimonial of respect to the memory of the Hon. Abner Davis, and the Hon. William B. Mitchell, the House do now adjourn.

Resolved, unanimously, That the Clerk of this House inform the Senate of the adoption of the foregoing resolutions.

On motion of Mr. Herriman,

The Senate now, according to order, resolved itself into committee of the Whole, on the annual message of his Excellency, the Governor;

Mr. Carr in the Chair. And after some time spent in the consideration thereof, the committee rose, the President resumed the chair, and the chairman reported that the committee had, according to order, had under consideration, the said message, and had adopted the following resolutions; in which he was directed to ask the concurrence of the Senate.

1. *Resolved*, That so much of the Governor's message as relates to the supreme court, and to the punishment of offences, be referred to the committee on the judiciary.

2. *Resolved*, That so much of the Governor's message as relates to the indebtedness of the State, be referred to the committee on finance.

3. *Resolved*, That so much of the Governor's message as relates to the Wabash and Erie Canal, be referred to the committee on canals and internal improvements.

4. *Resolved*, That so much of the Governor's message as relates to asylums for the deaf, blind, and insane, be referred to the committee on education.

5. *Resolved*, That so much of the Governor's message as relates to the appointment of one or more commissioners to receive any communications that may be made by the bondholders of the State, be referred to the committee on finance.

6. *Resolved*, That so much of the Governor's message as relates to the report of the Adjutant General, and our quota of public arms, be referred to the committee on military affairs.

7. *Resolved*, That so much of the Governor's message as relates to the tariff, be referred to the committee on federal relations.

8. *Resolved*, That so much of the Governor's message as relates to the State Prison, be referred to the committee on the State Prison.

9. *Resolved*, That so much of the Governor's message as relates to the late revision of the statutes, and the injury resulting from hasty modifications and repeals of the same, be referred to the committee on the Judiciary.

10. *Resolved*, That so much of the Governor's message as relates to trust funds (except the sinking fund,) be referred to the committee on education.

11. *Resolved*, That so much of the Governor's message as relates to a communication received by him from Boston containing a memorial from certain London bond-holders, be referred to the committee on federal relations.

12. *Resolved*, That so much of the Governor's message as relates to the three per cent. fund, be referred to the committee on roads.

13. *Resolved*, That so much of the Governor's message as relates to selling out the public works, be referred to the committee on canals and internal improvements.

14. *Resolved*, That so much of the Governor's message as relates to giving to justices of the peace, exclusive jurisdiction in the punishment of minor offences, be referred to the committee on the judiciary.

15. *Resolved*, That so much of the Governor's message as relates

to the loans made of the State Bank, be referred to the committee on the State Bank.

16. *Resolved*, That so much of the Governor's message as relates to his correspondence with the Governor of New York in relation to the draw-back on salt, be referred to the committee on federal relations.

The Senate then concurred in the foregoing resolutions, adopted in committee of the whole.

Mr. Edmonson, pursuant to notice given on yesterday, moved to amend the 8th standing rule of the Senate, as follows: after the words "enrolled bills," which occur in the said 8th rule, insert the words following "17th, a committee on corporations;"

Which motion passed in the affirmative, and said standing rule was so amended.

Mr. Chapman of Laporte, pursuant to notice given on yesterday, moved to rescind the 53rd standing rule of the Senate, which said rule provides for the appointment of a sergeant-at-arms, and defines his duties.

Said motion was agreed to, and the 53rd standing rule of the Senate was rescinded.

Mr. Herriman introduced a joint resolution entitled,

No. 11. A joint resolution reviving in part, a certain act therein named.

Said resolution was read a first time, and ordered to a second reading.

On motion of Mr. Edmonson,

The Senate adjourned.

SATURDAY MORNING, December 7, 1844.

The Senate assembled.

The Journal of the preceding day was read.

The President announced to the Senate the following standing committees of the Senate.

ON ELECTIONS.

Messrs. Rockhill, Alexander, Berry, Chapman of Laporte, Cotton, Edmonson, Farmer, Moore, and Wood.

ON FINANCE.

Messrs. Ritchey, Allison, Buell of Dearborn, Carr, Henry, Leviston, Read, Stanford, and Todd.

ON THE JUDICIARY.

Messrs. Chapman of Laporte, Akin, Carr, Davis, Defrees, Duzan, Orth, Tannehill, and Todd.

ON FEDERAL RELATIONS.

Messrs. Akin, Buell of Warren, Coffin, Hamer, Jones, Lane, Pennington, Ritchey, and Rockhill.

ON EDUCATION.

Messrs. Stanford, Duzan, Edmonson, Farmer, Goodenow, Henry, Holloway, Hutton, Jones, Parks, Reyburn, Ritchey, and Todd.

ON MILITARY AFFAIRS.

Messrs. Carr, Bowers, Dole, Jackson, Logan, Major, Morgan of Decatur, Reyburn, and Tannehill.

ON ROADS.

Messrs. Herriman, Chapman of Daviess, Hamer, Hodge, Miller, Major, Moore, Morgan of Decatur, and Rippey.

ON AFFAIRS OF THE TOWN OF INDIANAPOLIS.

Messrs. Todd, Cotton, Duzan, Herriman, Hodge, Kennedy, and Tannehill.

ON CANALS AND INTERNAL IMPROVEMENTS.

Messrs. Jones, Allison, Berry, Bradbury, Buell of Warren, Chapman of Daviess, Dole, Edmonson, Goodenow, Henry, Herriman, Hutton, Kennedy, Lane, Leviston, Logan, Reyburn, Rippey, Rockhill, and Tannehill.

ON CLAIMS.

Messrs. Lane, Bowers, Coffin, Miller, Parks, Pennington, Read, Stanford, and Wood.

ON THE STATE PRISON.

Messrs. Read, Allison, Bowers, Carr, Cotton, Duzan, and Logan.

ON UNFINISHED BUSINESS.

Messrs. Tannehill, Holloway, Jackson, Morgan of Decatur, and Rippey.

ON THE STATE LIBRARY.

Messrs. Berry, Cotton, Edmonson, Morgan of Rush, and Ritchey.

ON PUBLIC BUILDINGS.

Messrs. Pennington, Farmer, Hutton, Leviston, and Major.

ON THE STATE BANK.

Messrs. Buell of Dearborn, Akin, Bradbury, Chapman of Laporte, Dole, Goodenow, Hamer, Lane, Parks, Pennington, Read, Rockhill, Stanford, Tannehill, and Todd.

ON AGRICULTURE.

Messrs. Parks, Alexander, Buell of Warren, Farmer, Henry, Hutton, Jackson, Logan, Major, Miller, Morgan of Decatur, Morgan of Rush, Rippey, and Wood.

ON CORPORATIONS.

Messrs. Edmonson, Berry, Bowers, Coffin, Hodge, Jones, Kennedy, Moore, and Ritchey.

ON ENROLLED BILLS.

Messrs. Duzan and Davis.

ON ENGROSSED BILLS.

Messrs. Wood and Orth.

The President also announced the following joint committees on the part of the Senate:

ON PUBLIC BUILDINGS.

Messrs. Hutton, Buell of Dearborn, Carr, Hodge, Jones, Leviston, and Moore.

ON THE CANAL FUND.

Messrs. Farmer, Defrees, and Kennedy.

ON THE STATE LIBRARY.

Messrs. Leviston, Chapman of Daviess, and Ewing.

Mr. Edmonson moved that one hundred copies of the standing committees be printed for the use of the Senate.

Mr. Ewing moved to lay said motion on the table.

The ayes and noes being called for by two Senators,

Those who voted in the affirmative are,

Messrs. Alexander, Allison, Bowers, Bradbury, Buell of Warren, Coffin, Cotton, Defrees, Dole, Ewing, Goodenow, Hamer, Hodge, Holloway, Moore, Morgan of Decatur, Morgan of Rush, Orth, Reyburn, and Todd—20.

Those who voted in the negative are,

Messrs. Akin, Berry, Buell of Dearborn, Carr, Chapman of Daviess, Chapman of Laporte, Duzan, Edmonson, Farmer, Henry, Herriman, Hutton, Jackson, Jones, Kennedy, Lane, Leviston, Logan, Major, Miller, Parks, Pennington, Read, Rippey, Ritchey, Rockhill, Stanford, Tannehill, and Wood—29.

So the motion was not laid on the table.

The motion to print was then agreed to.

Mr. Orth asked to be excused from serving upon any of the standing committees.

The ayes and noes being called for by two Senators,

Those who voted in the affirmative are,

Messrs. Akin, Alexander, Allison, Bowers, Buell of Dearborn, Carr, Chapman of Daviess, Chapman of Laporte, Coffin, Defrees, Edmonson, Goodenow, Herriman, Hodge, Jackson, Jones, Kennedy, Lane, Leviston, Logan, Major, Miller, Morgan of Decatur, Morgan of Rush, Read, Rippey, Ritchey, Rockhill, Tannehill, and Wood—30.

Those who voted in the negative are,

Messrs. Berry, Bradbury, Buell of Warren, Cotton, Dole, Duzan, Ewing, Farmer, Hamer, Henry, Holloway, Hutton, Moore, Parks, Pennington, Reyburn, Stanford, and Todd—18.

And Mr. Orth was so excused.

Mr. Ewing asked leave to be excused from serving on any of the standing committees,

Which the Senate refused.

Mr. Goodenow presented the memorial of the Trustees of Hanover College, and sundry petitions from citizens of Switzerland, Clark, Jennings, and Jefferson counties, praying the General Assembly to re-charter Hanover College,

Which, upon motion, by Mr. Goodenow,

Were referred to the committee on education.

Mr. Allison presented the petition of David Harris, praying the passage of an act requiring the School Commissioner, Auditor, Treasurer, or other persons into whose hands money may come, belonging to any township, to pay to such township the kind of money they receive.

On motion by Mr. Allison,

Said petition was referred to the committee on the judiciary.

Mr. Akin presented the petition of Robert Kirkham, H. K. Wilson, and others, citizens of the county of Sullivan, declaring a county road therein named, a State road.

On motion by Mr. Akin,

Said petition was referred to a select committee.

Ordered, That said committee consist of Messrs. Akin, Dole, and Carr.

Mr. Farmer presented the petition of Richard Carmichael and others, praying for the repeal of so much of an act entitled, "An act to restrict the sessions of the grand jury to three days at each term of the Hancock circuit court," approved January 15th, 1844, as relates to the county of Monroe, except as to their per diem allowance.

On motion by Mr. Farmer,

Said petition was referred to a select committee.

Ordered, That said committee be composed of Messrs. Farmer, Stanford, and Pennington.

Mr. Todd presented the petition of Charles Youngerman and others, citizens of Marion county, praying for an act of incorporation, under the style of the German Military Band of Indianapolis.

On motion by Mr. Todd,

Said petition was referred to the committee on corporations.

Mr. Defrees presented the petition of E. B. Crocker, John J. Deming, and others, citizens of St. Joseph county, Indiana, praying the General Assembly to repeal certain laws and parts of laws therein named, relating to free negroes and mulattoes, and fugitives from justice.

On motion by Mr. Defrees,

Said petition was referred to the committee on the judiciary.

Mr. Buell of Dearborn presented a copy, certified under the hand and official seal of James H. Pepper, clerk of Ohio county, Indiana, of an agreement, on the part of A. C. Pepper, Joshua Haines, and others, taxpayers in the corporation of Rising Sun, in said county, in relation to the levy of a tax for the purpose of putting up public buildings in said town.

On motion by Mr. Buell,

Ordered, That said paper do lie on the table.

Mr. Edmonson presented the following resolution:

Resolved, That five hundred copies of the Governor's annual message be printed in the German language for the use of the Senate.

The ayes and noes being called for by two Senators,

Those who voted in the affirmative are,

Messrs. Akin, Berry, Buell of Dearborn, Chapman of Daviess, Chapman of Laporte, Duzan, Edmonson, Herriman, Hutton, Jackson, Jones, Kennedy, Lane, Logan, Major, Miller, Parks, Read, Rippey, Ritchey, and Rockhill—21.

Those who voted in the negative are,

Messrs. Alexander, Allison, Bowers, Bradbury, Buell of Warren, Carr, Coffin, Cotton, Defrees, Dole, Ewing, Farmer, Goodenow, Hamer, Henry, Hodge, Holloway, Leviston, Moore, Morgan of Decatur, Morgan of Rush, Orth, Pennington, Reyburn, Stanford, Tannehill, Todd, and Wood—27.

So the resolution was rejected.

On motion by Mr. Buell of Dearborn,

Resolved, That the committee on roads enquire into the expediency of providing by law that hereafter all road taxes assessed on real estate, in any road district in this State, shall be worked out on the road, if required by the supervisor thereof. Also, to provide that the county treasurer shall not be entitled to a per centage for collection on any taxes so worked out.

On motion by Mr. Stanford,

Resolved, That the committee on roads be directed to enquire into the propriety of so amending the laws with regard to the duties of county auditors and supervisors of public roads, that the tax assessed for road purposes, may be applied at an earlier season of the year than it can be under the provisions of the present law.

On motion by Mr. Orth,

Resolved, That the committee on elections be directed to enquire into the expediency of reporting a bill confining voters to the respective townships in which they reside.

Also, that they inquire into the expediency of punishing illegal voting by confinement in the State Prison.

Also, that they enquire into the expediency of punishing persons engaged in betting on elections, by depriving them of the right of suffrage at the election on the result of which they have bets or wagers.

Mr. Miller presented the following resolution:

Resolved, That the Senate will, the House of Representatives concurring therein, adjourn *sine die* on the fifteenth day of January next.

Mr. Pennington moved to lay said resolution on the table;

Which motion was decided in the negative.

Mr. Chapman of Laporte moved to amend the resolution by striking out "January next," and inserting in lieu thereof "December."

The ayes and noes being called for by two Senators,

Those who voted in the affirmative are,

Messrs. Akin, Berry, Buell of Dearborn, Buell of Warren, Chapman of Daviess, Chapman of Laporte, Coffin, Cotton, Defrees, Duzan, Ewing, Farmer, Goodenow, Henry, Herriman, Hodge, Holloway, Hutton, Jackson, Jones, Kennedy, Leviston, Logan, Moore, Morgan of Decatur, Morgan of Rush, Orth, and Rippey—28.

Those who voted in the negative are,

Messrs. Alexander, Allison, Bradbury, Carr, Dole, Edmonson, Hamer, Lane, Major, Miller, Parks, Pennington, Read, Reyburn, Rockhill, Stanford, Tannehill, Todd, and Wood—19.

The resolution, therefore, was so amended.

Mr. Parks moved to lay said resolution on the table;

Which was agreed to.

Mr. Lane offered for the consideration of the Senate the following resolution:

Resolved, That the committee on canals and internal improvements be instructed to enquire into the expediency of memorializing Congress, asking for a grant of the unsold lands in the Vincennes land district—to be appropriated to the continuation and completion of the Wabash and Erie Canal from Terre Haute to Evansville on the Ohio river.

Mr. Ewing moved to amend said resolution by adding thereto, "And for the improvement of the navigation of the Wabash river from Lafayette to its junction with the Ohio;"

Which amendment was rejected.

The question recurring on the resolution,

The ayes and noes were called for by two Senators.

Those who voted in the affirmative are,

Messrs. Alexander, Allison, Berry, Bowers, Buell of Dearborn, Buell of Warren, Carr, Chapman of Daviess, Coffin, Cotton, Dole, Duzan, Edmonson, Farmer, Herriman, Hutton, Jackson, Jones, Kennedy, Leviston, Logan, Major, Parks, Pennington, Read, Rippey, Ritchey, Rockhill, Stanford, Tannehill, Todd, and Wood—31.

Those who voted in the negative are,

Messrs. Bradbury, Defrees, Ewing, Goodenow, Hamer, Hodge, Holloway, Moore, Morgan of Decatur, Morgan of Rush, and Reyburn—11.

So the resolution was adopted.

Mr. Todd offered the following resolution:

Resolved, That the committee on the judiciary be directed to enquire into the expediency of increasing the pay of grand and petit jurors to the sum of one dollar per day; and report by bill or otherwise.

Mr. Herriman moved to amend said resolution by inserting after the word "dollar" the words "and twenty-five cents;"

Which amendment was rejected.

The resolution was then adopted.

On motion by Mr. Read,

Resolved, That the committee on finance be instructed to enquire into the expediency of so changing the revenue law as to require the collectors of the several counties to settle with the Treasurer of State during the session of the General Assembly.

On motion by Mr. Parks,

Resolved, That the committee on finance be instructed to enquire into the expediency of making some disposition of the funds now in the treasury from estates without known heirs, as suggested in the Auditor's annual report; and report by bill or otherwise.

On motion by Mr. Chapman of Laporte,

Resolved, That the committee on the judiciary enquire into the expediency of so amending our laws relating to capital punishment as to require that all executions shall take place in private.

Mr. Morgan of Rush offered for the consideration of the Senate the following resolution:

Resolved, That a select committee of three be appointed to enquire into the expediency of so amending the eighth chapter of the Revised Statutes, prescribing the duties of county recorders, as to exempt them from indictment and fine in all cases where their fees have not been paid.

Which was adopted.

Ordered, That said committee be composed of Messrs. Morgan of Rush, Ewing, and Chapman of Laporte.

On motion by Mr. Reyburn,

Resolved, That the committee on roads be requested to enquire into the expediency of allowing the several auditors of this State until the fifteenth of September to deliver the lists of road tax to supervisors.

Mr. Rippey offered the following resolution:

Resolved, That the judiciary committee be instructed to enquire into the propriety of repealing to much of the law regulating the collection of taxes as requires the county treasurer to attend at the place of holding elections in each township before the first day of October in each year; and report by bill or otherwise.

Mr. Chapman of Laporte moved to amend said resolution by striking out "judiciary" and inserting "finance;"

To which the Senate agreed.

The resolution was then rejected.

Mr. Orth offered the following resolution:

Resolved, That the committee on the judiciary be instructed to enquire into the expediency of modifying, or entirely repealing, our present valuation laws.

Mr. Ewing moved to amend the resolution by striking out the words "or entirely repealing."

The ayes and noes being called for by two Senators,

Those who voted in the affirmative are,

Messrs. Akin, Alexander, Allison, Bowers, Bradbury, Buell of Dearborn, Buell of Warren, Carr, Chapman of Daviess, Coffin, Cotton, Defrees, Dole, Duzan, Edmonson, Ewing, Farmer, Goodenow, Hamer, Henry, Herriman, Hodge, Hutton, Jackson, Jones, Kennedy, Lane, Leviston, Logan, Major, Miller, Moore, Morgan of Decatur, Morgan of Rush, Parks, Pennington, Rippey, Ritchey, Rockhill, Stanford, Tannehill, Todd, and Wood—43.

Those who voted in the negative are,

Messrs. Chapman of Laporte, Holloway, Orth, and Read—4.

So the amendment was agreed to, and the resolution, as amended, was adopted.

On motion by Mr. Dole,

Resolved, That the committee on the judiciary be instructed to enquire into the expediency of authorizing probate judges to confirm sales of real estate made by administrators, where the same has been sold for not less than two thirds of the appraisement of the same.

On motion by Mr. Duzan,

Resolved, That the committee on finance be requested to enquire into the expediency of repealing so much of the revenue law as assesses a penalty of five per cent. for the non-payment of taxes on or before the first day of January; and so much of said law as attaches a further penalty of ten per cent. if not paid on or before the second Monday in February.

On motion by Mr. Todd,

Resolved, That the committee on education take into consideration the matter contained in the annual report of the State Auditor, in relation to the sum of fourteen thousand seven hundred and four dollars and fourteen cents of the "bank tax fund;" and that said committee report by bill or otherwise.

Mr. Duzan introduced,

No. 12. A bill to repeal a certain act therein named;

Which was read and ordered to a second reading.

Mr. Orth introduced,

No. 13. A bill to provide for the inspecting of whiskey and [for] other purposes;

Which was read and ordered to a second reading.

Mr. Leviston introduced,

No. 14. A bill to legalize certain proceedings therein named;

Which was read.

Mr. Leviston moved to suspend the rule of the Senate and read the bill a second time now;

Which was disagreed to; and the bill was ordered to a second reading on Monday next.

Mr. Morgan of Decatur introduced,

No. 15. A bill to extend the time of holding the May term of the Decatur circuit court;

Which was read and ordered to a second reading.

Mr. Buell of Dearborn introduced,

No. 16. A bill to amend an act entitled, "An act to incorporate the Lawrenceburgh and Napoleon Turnpike Company," approved February 18, 1840;

Which was read and ordered to a second reading.

Mr. Duzan introduced,

No. 17. A bill to enable married women to acquire and hold separate property;

Which was read and ordered to a second reading.

Mr. Berry introduced,

No. 18. A bill providing for the payment of jurors and supervisors in the county of Franklin;

Which was read and ordered to a second reading.

A message from the House by Mr. Farquhar, their clerk:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the House has passed the following bill:

No. 5. A bill providing for holding a special term of the Cass circuit court.

Bill No. 5, in the foregoing message, was read.

On motion by Mr. Orth,

The rule of the Senate was suspended, the bill was read a second time, and ordered to a third reading on Monday next.

The Senate then proceeded to take up the

ORDERS OF THE DAY.

No. 1. A bill to vacate a part of the town of Mongoquinong, in the county of Lagrange;

Was read a third time and passed.

Ordered, That the Secretary carry said bill to the House of Representatives and request their concurrence therein.

No. 2. A bill relative to voters in the county of Dearborn;

Read a second time.

Mr. Todd moved to refer said bill to the committee on the judiciary, with a view to making the law general;

Which motion was passed in the negative.

Mr. Holloway moved to amend said bill so as to include the county of Wayne;

Which was so ordered by the Senate.

Mr. Reyburn moved to amend said bill so as to include the county of Miami;

Which was agreed to.

Mr. Chapman of Daviess moved to amend said bill so as to include the county of Daviess;

Which was agreed to.

Mr. Ewing moved to amend said bill so as to include the county of Knox;

Which was agreed to.

Mr. Rippey moved to amend said bill so as to include the counties of Elkhart, Kosciusko, and Whitley;

Which was agreed to.

Mr. Leviston moved to amend said bill so as to include the county of Fayette;

Which was agreed to.

Mr. Moore moved to amend said bill so as to include the county of Montgomery;

Which was agreed to.

Mr. Todd moved to amend said bill so as to include the county of Marion;

Which was agreed to.

Mr. Rockhill moved to amend said bill so as to include the county of Allen;

Which was agreed to.

Mr. Parks moved to refer said bill to a select committee, with instructions to make its provisions general.

The ayes and noes being called for by two Senators,

Those who voted in the affirmative are,

Messrs. Allison, Berry, Bowers, Bradbury, Buell of Warren, Carr, Chapman of Daviess, Coffin, Defrees, Duzan, Ewing, Goodenow, Henry, Holloway, Hutton, Jackson, Jones, Kennedy, Lane, Leviston, Major, Moore, Morgan of Rush, Orth, Parks, Pennington, Reyburn, Rippey, Rockhill, Tannehill, Todd, and Wood—32.

Those who voted in the negative are,

Messrs. Akin, Alexander, Buell of Dearborn, Chapman of Laporte, Cotton, Dole, Edmonson, Farmer, Hamer, Herriman, Hodge, Logan, Miller, Morgan of Decatur, Read, Ritchey, and Stanford—17.

The bill was therefore referred to a select committee, with the instructions aforesaid.

Ordered, That said committee be composed of Messrs. Parks, Pennington, and Jackson.

No. 3. A bill supplemental to an act entitled, "An act for the relief of Nathan Burchfield," approved February 11, 1843;

Which was read a second time.

On motion of Mr. Morgan of Decatur,

Said bill was referred to the committee on claims.

No. 4. A bill to authorize probate judges to take and certify acknowledgments of powers of attorney, deeds, mortgages, &c., and for other purposes.

Mr. Dole moved to amend the bill by inserting after the word "judges," the words "county auditors."

Mr. Herriman moved to refer said bill, with the pending amendment, to the committee on the judiciary;

Which was ordered by the Senate.

No. 5. A bill relative to the collection of taxes in the town of Rising Sun;

Was read a second time, and,

On motion by Mr. Buell of Dearborn,

Was referred to the committee on the judiciary.

No. 6. A bill for the relief of Pierre (alias Peter) Poncin, of Knox county.

On motion by Mr. Ewing,

Said bill was amended by inserting after the word "may," the word "now."

The bill was then read a second time and ordered to be engrossed.

Mr. Chapman of Laporte moved to reconsider the vote of the Senate on the bill of the House No. 5;

Which was consented to.

Mr. Chapman then moved to amend said bill by adding after the word "civil," the word "causes;"

Which amendment was agreed to;

And, on his further motion, the rule of the Senate was suspended, the amendment engrossed, and the bill read a third time, and passed.

On motion by Mr. Edmonson,

The Senate adjourned.

2 *o'clock, P. M.*

The Senate assembled.

The orders of the day being under consideration:

No. 7. A bill to extend the time of holding probate courts in the county of Washington.

On motion by Mr. Goodenow,

Said bill was so amended as to include the county of Jefferson.

On motion by Mr. Bowers,

Said bill was so amended as to include the county of Ripley.

The bill was then read a second time and ordered to be engrossed.

No. 8. A bill to repeal the act incorporating the Draw-bridge Company at Terre Haute, in Vigo county, approved Jan. 15, 1844;

Was read a second time and ordered to be engrossed.

No. 9. A bill relative to the fall terms of the circuit courts in the twelfth judicial circuit, and for other purposes.

Mr. Rockhill moved to amend said bill by the addition of two sections, providing that, in the county of Allen no costs shall be taxed upon special demurrers unless the same shall be overruled; and that the clerk of the Allen circuit court, if required by the court, shall provide three order books—one for common law causes, one for chancery causes, and one for entering all cases of naturalization.

The bill was so amended, was read a second time, and ordered to be engrossed.

No. 10. A bill to vacate a part of a State road in the county of Noble;

Was read a second time and ordered to be engrossed.

No. 11. A joint resolution reviving, in part, a certain act therein named.

Mr. Defrees moved to amend said joint resolution by adding thereto,

"*Provided, however*, That said election shall be *viva voce*, according to the Revised Statutes of 1843."

The ayes and noes on the amendment being called for by two Senators,

Those who voted in the affirmative are,

Messrs. Allison, Bowers, Bradbury, Buell of Warren, Coffin, Cotton, Defrees, Dole, Ewing, Goodenow, Hamer, Hodge, Holloway, Moore, Morgan of Decatur, Morgan of Rush, Parks, and Ritchey—18.

Those who voted in the negative are,

Messrs. Akin, Alexander, Berry, Buell of Dearborn, Carr, Chapman of Daviess, Chapman of Laporte, Duzan, Edmonson, Farmer, Henry, Herriman, Hutton, Jackson, Jones, Kennedy, Lane, Leviston, Logan, Major, Miller, Orth, Pennington, Read, Rippey, Rockhill, Stanford, Tannehill, Todd, and Wood—30.

So the amendment was rejected.

The joint resolution was then read a second time and ordered to be engrossed.

Mr. Edmonson asked and obtained leave to introduce,

No. 19. A bill to authorize the treasurer of Dubois county to perform the duties of school commissioner.

Mr. Ewing moved to suspend the rule of the Senate and read the bill a second time now;

Which motion was decided in the negative.

The bill was then read a first time and ordered to a second reading.

Mr. Todd obtained leave to introduce,

No. 20. A bill to authorize the board of commissioners of Marion county to settle with John Elder, late surplus revenue agent, and for other purposes;

Which was read a first time and ordered to a second reading.

Mr. Buell obtained leave, and introduced,

No. 21. A bill to amend article fifth of the twenty-fifth chapter of the Revised Statutes of 1843;

Which was read a first time and ordered to a second reading.

Mr. Leviston obtained leave, and introduced,

No. 22. A bill to enable circuit courts to consolidate indictments in cases of misdemeanors;

Which was read a first time and ordered to a second reading.

On motion by Mr. Chapman of Laporte,

The Senate adjourned.

MONDAY MORNING, December 9, 1844.

The Senate assembled.

The journal of the preceding day was read.

The President laid before the Senate, the memorial of James Smith, commissioner of the Seminary township of Gibson county, Indiana, praying the General Assembly to pass a law authorizing the Governor of Indiana to employ counsel, and cause a writ of *quo warranto* to issue against the trustees of the Vincennes University, calling on them to show by what authority they act as an incorporated company; which was read.

On motion by Mr. Edmonson,

Said memorial was referred to the committee on the judiciary.

On motion by Mr. Pennington,

Mr. Ewing was added to said committee.

On motion by Mr. Chapman of Laporte,

Mr. Edmonson was added to said committee.

The President laid before the Senate, the report of the State House keeper, and Agent of State, for the town of Indianapolis.

On motion by Mr. Defrees,

Said report was referred to the committee on public buildings.

The President also laid before the Senate the following report of the State Librarian:

REPORT.

To the General Assembly

of the State of Indiana:

The undersigned, State Librarian, pursuant to the 84th section of 7th article, 6th chapter, of the Revised Statutes of the year 1843, begs leave to report the following list of books that have been added to the State Library during the year 1844.

LIST OF BOOKS PURCHASED—NO. 1.

	Vols.	*Size.*	*Price.*
Sparks's Life of Franklin,	1	8vo.	
Webster's Speeches,	3	8vo.	
Dillon's History of Indiana,	10		
Oldfield's Representative History,	6	8vo.	$6 00
Proverbial Philosophy,	1	12mo.	1 25
Newgate Calender,	5	8vo.	6 25
Henry of Oftendingen,	1	12mo.	50
Knowledge Under Difficulties,	2	12mo.	1 25
Life of Follen,	1	12mo.	75
Chateaubriand's Martyrs,	3	18mo.	2 00
Utopia,	1	18mo.	88
Vethake's Political Economy,	1	12mo.	1 50
Exile of Madame de Stael,	1	18mo.	1 13
German Prose Writers,	1	12mo.	1 00
Sears's History of the Bible,	1	8vo.	2 00
Xenophon,	1	8vo.	1 75
Wraxall's Baltic Tour,	1	8vo.	1 87½
Common School Journal of 1839,	1	8vo.	1 25
Glossary of Architecture,	1	18mo.	4 50
Provincial Settlers,	1	8vo.	1 12
Memoirs of Mendelshon,	1	8vo.	1 88
Reliques of Ancient Poetry—Percy,	2	18mo.	1 50
Fostroke's Antiquities,	3	4to.	18 00
Drake's Shakspeare,	2	4to.	16 50
Churchill's Voyages,	6	folio	30 00
Bayle's Dictionary,	5	folio	40 00

LIST No. 2.

REPORTS AND LAWS OF CONGRESS AND STATES.

	Vols.	*Size.*
Vermont Reports, 4th vol. bound,	1	8vo.
Vermont Laws for 1843, three copies, unbound,	1	8vo.
South Carolina Reports, (McMullen's) 2 copies, unbound,	1	8vo.
S. Carolina Reports, (Spear's) 2d vol. 2 copies, unbound,	1	8vo.
New Hampshire Reports, 10th vol., unbound,	1	8vo.
Comptroller's Annual Reports, New York, unbound,	1	8vo.
U. S. Documents, No. 2, (from W. J. Brown,) unbound,		8vo.
Senate Journal, Connecticut—3 copies, unbound,		8vo.
Resolutions of Connecticut—3 copies, unbound,		8vo.
Acts of Connecticut—3 copies, unbound,		8vo.
Mississippi Chancery Reports—2 copies, bound,		8vo.
Acts of South Carolina, 1843—2 copies, unbound,		8vo.
Clay's Alabama Digest, 1 copy, bound,	1	8vo.
Alabama Reports, 4 vols. (new series,) bound,	1	8vo.
Alabama Acts, 1844, bound,	1	
Acts of Massachusetts, 1844, 3 copies, unbound,		
Georgia Reports, 1842, unbound,		8vo.
Acts of Kentucky, (3 copies) 1842, unbound,		8vo.
Legislative Documents, 2 copies, half-bound,		
Acts of Georgia, 1843,		8vo.
Acts of Maine, 3 copies, 1844, unbound,		
Laws of Pennsylvania, 2 copies, unbound,		8vo.
Laws of Maryland, 1 copy, 1844, unbound,		8vo.
House Journal, 1 copy, unbound,		8vo.
Senate Journal, 1 copy, unbound,		8vo.
Executive Documents, No. 4, unbound,		8vo.
Laws of New Hampshire, 1844, unbound,		
Acts of Congress, 320 copies, unbound,		
Laws of New York, 1844, 3 copies, half-bound,		
Acts of New Jersey, 1844, 3 copies, unbound,		
Legislative Journal, New Jersey, 1844, unbound,		8vo.
Laws of Rhode Island, 1844, 1 copy, bound,		8vo.
Laws of Ohio, 1844, 1 copy, half-bound,		8vo.
Legislative Documents, half-bound,		8vo.
Staunton Reports, (12th vol.) bound,	1	
Monroe Reports, (4th vol.) bound,	1	
Public Acts of Connecticut, 1844, unbound,		
Private Acts of Connecticut, 1844, unbound,		
Senate Journal of Connecticut, unbound,		
House Journal of Connecticut, 1844, unbound,		
Laws of Michigan, 1844, 2 copies, half-bound,		
Spear's Equity Reports, bound,		

	Vols.	Size.
Acts of Tennessee, 1844, half-bound, - - - -		
American Archives, 4th Series, bound, - - - -	6	
1st Session of 28th Congress, Journals of House, bound, -	3	

SAMUEL P. DANIELS,
State Librarian.

On motion by Mr. Akin,

Said report was referred to the committee on the State Library.

The President also laid before the Senate, the reports of the Fort Wayne, Bedford, New Albany, Indianapolis, Lawrenceburgh, Vincennes, Lafayette, Madison, Michigan City, Evansville, South Bend, and Richmond branches of the State Bank of Indiana.

On motion by Mr. Edmonson,

Said reports were referred to the committee on the State Bank.

Mr. Davis presented the petition of Robert Downey, of Floyd county, on the subject of a patent for an improved method of manufacturing leather;

Which was read.

On motion by Mr. Davis,

Said petition was referred to a select committee.

Ordered, That said committee consist of Messrs. Davis, Ewing and Carr.

Mr. Parks presented the petition of James K. Best and others, citizens of the county of Morgan, praying for the passage of an act for the greater encouragement of raising sheep, and for taxing dogs running at large;

Which was read.

On motion by Mr. Parks,

The said petition was referred to the committee on agriculture.

Mr. Coffin presented the petition of James Burton and others, citizens of Parke county, with sundry affidavits on the subject, asking for a dissolution by the General Assembly of the bands of matrimony between Richard Keane and Elizabeth Keane.

Mr. Ewing moved to lay the said petition and accompanying affidavits on the table.

The ayes and noes having been called for by two Senators,

Those who voted in the affirmative are,

Messrs. Alexander, Allison, Bowers, Bradbury, Carr, Chapman of Daviess, Davis, Defrees, Duzan, Ewing, Farmer, Hamer, Henry, Jackson, Lane, Leviston, Logan, Miller, Moore, Morgan of Decatur, Morgan of Rush, Parks, Reyburn, Rockhill, Stanford, Tannehill and Todd—27.

Those who voted in the negative are,

Messrs. Akin, Berry, Buell of Dearborn, Chapman of Laporte, Coffin,

Cotton, Dole, Edmonson, Goodenow, Herriman, Hodge, Holloway, Hutton, Jones, Kennedy, Major, Orth, Pennington, Read, Rippey and Wood—21.

It was therefore ordered by the Senate that the said petition and accompanying affidavits do lie on the table.

Mr. Rockhill presented the petition of William Craig, John Perkins and others, citizens of Wells and Adams counties, praying the incorporation of the Presbyterian Church of Elhanan.

On motion by Mr. Rockhill,

The said petition was referred to a select committee.

Ordered, That said committee be composed of Messrs. Rockhill, Kennedy and Rippey.

Mr. Kennedy presented the petition of Jacob Vernon and others, praying that the judges of the Shelby circuit court be authorized to hold a special session of the said court, at the earliest possible period, for the trial of John Oldham and George Barnett, on the charge of grand larceny.

On motion by Mr. Kennedy,

Said petition was referred to a select committee.

Ordered, That said committee consist of Messrs. Kennedy, Pennington and Farmer.

Mr. Goodenow, from the committee on education, made the following report:

MR. PRESIDENT:

The committee on education to whom was referred a memorial, and sundry petitions, praying the re-charter of Hanover college, have according to order, had the same under consideration, and have directed me to report the accompanying bill, and recommend its passage.

No. 23. A bill to re-charter Hanover College.

The bill was read a first time, and ordered to a second reading.

Mr. Rippey, from a select committee, appointed for that purpose, made the following report:

MR. PRESIDENT:

The select committee, to whom was referred the petition of E. W. H. Ellis, and other citizens of Elkhart county, praying an act for the relief of Wilson McConnell, late a seminary trustee of said county, in the manner, and for the reasons therein specified, have had the same under consideration, and have directed me to report the following bill, and respectfully recommend its passage.

No. 24. A bill for the relief of Wilson McConnell.

The bill was read the first time, and ordered to a second reading.

Mr. Defrees moved to proceed to the consideration of the resolution, providing for the election of a United States Senator, which

motion Mr. Defrees afterwards withdrew, and offered for consideration, the following resolution.

Resolved, That the Senate will, the House concurring therein, proceed on Tuesday next, at half 2 o'clock, P. M., in the Hall of the House of Representatives, to elect a United States Senator, to fill the vacancy which will be occasioned by the expiration of the term of the Hon. Albert S. White; and that said election be conducted in all respects, according to the laws existing immediately previous to the passage of the revised statutes of 1843.

Mr. Read moved to lay said resolution on the table, but afterwards withdrew his motion.

Mr. Chapman of Laporte moved that said resolution do lie on the table.

The ayes and noes having been called for by two Senators,

Those who voted in the affirmative are,

Messrs. Akin, Berry, Buell of Dearborn, Carr, Chapman of Daviess, Chapman of Laporte, Duzan, Edmonson, Herriman, Hutton, Jackson, Jones, Kennedy, Lane, Leviston, Logan, Major, Miller, Parks, Read, Rippey, Rockhill, Tannehill and Wood—24.

Those who voted in the negative are,

Messrs. Alexander, Allison, Bowers, Bradbury, Buell of Warren, Coffin, Cotton, Davis, Defrees, Dole, Ewing, Farmer, Goodenow, Hamer, Henry, Hodge, Holloway, Moore, Morgan of Decatur, Morgan of Rush, Orth, Pennington Reyburn, Stanford and Todd—25.

So the motion to lay on the table was disagreed to.

Mr. Akin moved to refer the resolution to the committee on the judiciary, with instructions to enquire if there be any law at present existing for the regulation of elections for United States Senator.

The ayes and noes having been called for by two Senators,

Those who voted in the affirmative are,

Messrs. Akin, Buell of Dearborn, Carr, Chapman of Daviess, Chapman of Laporte, Duzan, Edmonson, Herriman, Hutton, Jackson, Jones, Kennedy, Lane, Leviston, Logan, Major, Miller, Parks, Read, Rippey, Rockhill, Tannehill and Wood—23.

Those who voted in the negative are,

Messrs. Alexander, Allison, Bowers, Bradbury, Buell of Warren, Coffin, Cotton, Davis, Defrees, Dole, Ewing, Farmer, Goodenow, Hamer, Henry, Hodge, Holloway, Moore, Morgan of Decatur, Morgan of Rush, Orth, Pennington, Reyburn, Stanford and Todd—25.

So the motion to refer the resolution to the committee on the judiciary was disagreed to.

Mr. Orth moved the previous question.

A motion was made by Mr. Herriman, that the Senate do now adjourn.

The ayes and noes being desired by two senators,

Those who voted in the affirmative are,

Messrs. Akin, Berry, Buell of Dearborn, Carr, Chapman of Daviess, Chapman of Laporte, Duzan, Edmonson, Herriman, Hutton, Jackson, Jones, Kennedy, Lane, Leviston, Logan, Major, Miller, Parks, Read, Rippey, Rockhill, Tannehill and Wood—24.

Those who voted in the negative are,

Messrs. Alexander, Allison, Bowers, Bradbury, Buell of Warren, Coffin, Cotton, Davis, Defrees, Dole, Ewing, Farmer, Goodenow, Hamer, Henry, Hodge, Holloway, Moore, Morgan of Decatur, Morgan of Rush, Orth, Pennington, Reyburn, Stanford and Todd—25.

So the motion was disagreed to.

Mr. Chapman of Laporte moved that the Senate adjourn to one o'clock, which the President decided to be out of order.

The question recurring on the motion of Mr. Orth, for the previous question,

A motion by Mr. Herriman was made to adjourn.

The ayes and noes having been desired by two Senators,

Those who voted in the affirmative are,

Messrs. Akin, Berry, Buell of Dearborn, Carr, Chapman of Daviess, Chapman of Laporte, Duzan, Edmonson, Herriman, Hutton, Jackson, Jones, Kennedy, Lane, Leviston, Logan, Major, Miller, Parks, Read, Rippey, Rockhill, Tannehill and Wood—24.

Those who voted in the negative are,

Messrs. Alexander, Allison, Bowers, Bradbury, Buell of Warren, Coffin, Cotton, Davis, Defrees, Dole, Ewing, Farmer, Goodenow, Hamer, Henry, Hodge, Holloway, Moore, Morgan of Decatur, Morgan of Rush, Orth, Pennington, Reyburn, Stanford and Todd—25.

So the Senate refused to adjourn.

Mr. Chapman of Laporte moved that the Senate now adjourn.

The ayes and noes being desired by two Senators,

Those who voted in the affirmative are,

Messrs. Akin, Berry, Buel of Dearborn, Carr, Chapman of Daviess,

Chapman of Laporte, Duzan, Edmonson, Herriman, Hutton, Jackson, Jones, Kennedy, Lane, Leviston, Logan, Major, Miller, Parks, Read, Rippey, Rockhill, Tannehill, and Wood—24.

Those who voted in the negative are,

Messrs. Alexander, Alllison, Bowers, Bradbury, Buell of Warren, Coffin, Cotton, Davis, Defrees, Dole, Ewing, Farmer, Goodenow, Hamer, Henry, Hodge, Holloway, Moore, Morgan of Decatur, Morgan of Rush, Orth, Pennington, Reyburn, Stanford, and Todd—25.

So the Senate refused to adjourn.

Mr. Akin moved that the Senate adjourn.

Mr. Defrees moved to lay the motion to adjourn on the table.

Mr. Chapman of Laporte moved to lay the motion of Mr. Defrees upon the table,

And the ayes and noes being desired by two Senators,

Those who voted in the affirmative are,

Messrs. Akin, Berry, Buell of Dearborn, Carr, Chapman of Daviess, Chapman of Laporte, Duzan, Edmonson, Herriman, Hutton, Jackson, Jones, Kennedy, Lane, Leviston, Logan, Major, Miller, Parks, Read, Rippey, Rockhill, Stanford, Tannehill, and Wood—25.

Those who voted in the negative are,

Messrs. Alexander, Allison, Bowers, Bradbury, Buell of Warren, Coffin, Cotton, Davis, Defrees, Dole, Ewing, Farmer, Goodenow, Hamer, Henry, Hodges, Holloway, Moore, Morgan of Decatur, Morgan of Rush, Orth, Pennington, Reyburn, and Todd—24.

So the motion was ordered to lie upon the table.

The question then recurring upon the motion to adjourn:

The ayes and noes being desired by two Senators,

Those who voted in the affirmative are,

Messrs. Akin, Berry, Buell of Dearborn, Carr, Chapman of Daviess, Chapman of Laporte, Duzan, Edmonson, Herriman, Hutton, Jackson, Jones, Kennedy, Lane, Leviston, Logan, Major, Miller, Parks, Read, Rippey, Rockhill, Tannehill, and Wood—24.

Those who voted in the negative are,

Messrs. Alexander, Allison, Bowers, Bradbury, Buell of Warren, Coffin, Cotton, Davis, Defrees, Dole, Ewing, Farmer, Goodenow, Hamer, Henry, Hodge, Holloway, Moore, Morgan of Decatur, Morgan of Rush, Orth, Pennington, Reyborn, Stanford, and Todd—25.

So the Senate refused to adjourn.

Mr. Berry moved that the Senate now adjourn.

The ayes and noes being desired by two Senators,

Those who voted in the affirmative are,

Messrs. Akin, Berry, Buell of Dearborn, Carr, Chapman of Daviess, Chapman of Laporte, Duzan, Edmonson, Herriman, Hutton, Jackson, Jones, Kennedy, Lane, Leviston, Logan, Major, Miller, Parks, Read, Rippey, Rockhill, Tannehill, and Wood—24.

Those who voted in the negative are,

Messrs. Alexander, Allison, Bowers, Bradbury, Buell of Warren, Coffin, Cotton, Davis, Defrees, Dole, Ewing, Farmer, Goodenow, Hamer, Henry, Hodge, Holloway, Moore, Morgan of Decatur, Morgan of Rush, Orth, Pennington, Reyburn, Stanford, and Todd—25.

So the Senate refused to adjourn.

Mr. Jones moved that the Senate do now adjourn.

The ayes and noes being desired by Messrs. Jones and Parks,

Those who voted in the affirmative are,

Messrs. Akin, Berry, Buell of Dearborn, Carr, Chapman of Daviess, Chapman of Laporte, Duzan, Edmonson, Herriman, Hutton, Jackson, Jones, Kennedy, Lane, Leviston, Logan, Major, Miller, Parks, Read, Rippey, Rockhill, Tannehill, and Wood—24.

Those who voted in the negative are,

Messrs. Alexander, Allison, Bowers, Bradbury, Buell of Warren, Coffin, Cotton, Davis, Defrees, Dole, Ewing, Farmer, Goodenow, Hamer, Henry, Hodge, Holloway, Moore, Morgan of Decatur, Morgan of Rush, Orth, Pennington, Reyburn, Stanford, and Todd—25.

So the Senate refused to adjourn.

Mr. Chapman of Laporte moved that the Senate do now adjourn:

When Mr. Ewing called Mr. Chapman to order.

The President decided, that a motion to adjourn, was always in order.

From this decision, Mr. Ewing appealed, and presented his appeal in writing, as follows:

"The President has decided that the question to adjourn is always in order, thereby allowing the often repeated motion to adjourn without any intervening action on the part of the Senate, and after frequent decisions, upon calls of the ayes and noes, to consume time, and interrupt the progress of business: I appeal from the decision alluded to, and ground my appeal upon the *reason* of the rule, and its true spirit, as well as upon the rule numbered 28, in which it is provided, that when a motion has been *once* made, and carried in

the affirmative or negative, it shall be in order to move a reconsideration thereof, and therefore the question of reconsideration is the only one that can succeed the question of adjournment or any other question, decided previous to intervening action."

On the question, Shall the decision of the Chair, stand as the judgment of the House?

The ayes and noes being desired by two Senators.

Those who voted in the affirmative are,

Messrs. Akin, Alexander, Allison, Berry, Bowers, Bradbury, Buell of Dearborn, Carr, Chapman of Daviess, Chapman of Laporte, Coffin, Cotton, Davis, Dole, Duzan, Edmonson, Farmer, Goodenow, Hamer, Herriman, Hodge, Holloway, Hutton, Jackson, Jones, Kennedy, Lane, Leviston, Logan, Major, Miller, Moore, Morgan of Decatur, Morgan of Rush, Orth, Parks, Read, Reyburn, Rippey, Rockhill, Stanford, Tannehill, and Wood—43.

Those who voted in the negative are,

Messrs. Ewing, Pennington, and Todd—3.

So the decision of the Chair was sustained.

The question then recurring upon Mr. Chapman's motion to adjourn.

The ayes and noes were desired by Messrs. Akin and Herriman.

Those who voted in the affirmative are,

Messrs. Akin, Berry, Buell of Dearborn, Carr, Chapman of Daviess, Chapman of Laporte, Duzan, Edmonson, Herriman, Hutton, Jackson, Jones, Kennedy, Lane, Leviston, Logan, Major, Miller, Parks, Read, Rippey, Rockhill, Tannehill, and Wood—24.

Those who voted in the negative are,

Messrs. Alexander, Allison, Bowers, Bradbury, Buell of Warren, Coffin, Cotton, Davis, Defrees, Dole, Ewing, Farmer, Goodenow, Hamer, Henry, Hodge, Holloway, Moore, Morgan of Decatur, Morgan of Rush, Orth, Pennington, Reyburn, Stanford, and Todd—25.

So the Senate refused to adjourn.

Mr. Orth then withdrew his motion for the previous question.

Mr. Defrees moved to amend his resolution by striking out "Tuesday" and inserting "Thursday" in lieu thereof.

Mr. Herriman moved to lay the resolution and proposed amendment upon the table.

The ayes and noes being desired by Messrs. Chapman of Laporte and Herriman,

Those who voted in the affirmative are,

Messrs. Akin, Berry, Buell of Dearborn, Carr, Chapman of Daviess, Chapman of Laporte, Duzan, Edmonson, Herriman, Hutton, Jackson, Jones, Kennedy, Lane, Leviston, Logan, Major, Miller, Parks, Read, Rippey, Rockhill, Tannehill, and Wood—24.

Those who voted in the negative are,

Messrs. Alexander, Allison, Bowers, Bradbury, Buell of Warren, Coffin, Cotton, Davis, Defrees, Dole, Ewing, Farmer, Goodenow, Hamer, Henry, Hodge, Holloway, Moore, Morgan of Decatur, Morgan of Rush, Orth, Pennington, Reyburn, Stanford, and Todd—25.

So the motion to lay on the table was disagreed to.

Mr. Parks moved that the Senate adjourn.

The ayes and noes being desired by Messrs Parks and Ewing,

Those who voted in the affirmative are,

Messrs. Akin, Alexander, Berry, Buell of Dearborn, Carr, Chapman of Daviess, Chapman of Laporte, Duzan, Edmonson, Farmer, Henry, Herriman, Hodge, Hutton, Jackson Jones, Kennedy, Lane, Leviston, Major, Miller, Parks, Read, Rippey, Rockhill, Stanford, Tannehill, and Wood—28.

Those who voted in the negative are,

Messrs. Bowers, Bradbury, Buell of Warren, Coffin, Cotton, Davis, Defrees, Dole, Ewing, Goodenow, Hamer, Holloway, Logan, Moore, Morgan of Decatur, Morgan of Rush, Orth, Pennington, Reyburn, Todd—20.

And the Senate adjourned.

2 o'clock, P. M.

The Senate assembled.

The amendment to the resolution of Mr. Defrees being under consideration,

Mr. Edmonson moved a call of the Senate, which was ordered.

The Secretary proceeded to call the roll of the Senate, and reported a list of the absentees; when,

On motion by Mr. Chapman of Laporte,

The absentees were sent for, and having appeared,

On motion by Mr. Parks,

The further call was suspended.

Mr. Defrees withdrew his proposed amendment to the resolution.

And the question recurring upon the resolution of Mr. Defrees,

Mr. Chapman of Laporte moved to postpone the further consideration of the subject until the 20th instant; and the ayes and noes being desired by Messrs. Defrees and Morgan of Decatur,

Those who voted in the affirmative are,

Messrs. Akin, Berry, Buell of Dearborn, Carr, Chapman of Daviess, Chapman of Laporte, Duzan, Edmonson, Herriman, Hutton, Jackson, Jones, Kennedy, Lane, Leviston, Logan, Major, Miller, Parks, Read, Rippey, Ritchey, Rockhill, Tannehill, and Wood—25.

Those who voted in the negative are,

Messrs. Alexander, Allison, Bowers, Bradbury, Buell of Warren, Coffin, Cotton, Davis, Defrees, Dole, Ewing, Farmer, Goodenow, Hamer, Henry, Hodge, Holloway, Moore, Morgan of Decatur, Morgan of Rush, Orth, Pennington, Reyburn, Stanford, and Todd—25.

The President of the Senate gave the casting vote in the affirmative; and so it was ordered that the further consideration of the resolution be postponed until the 20th instant.

Mr. Hodges submitted the following preamble and resolution:

WHEREAS, there is much difficulty growing out of conflicting sections of the Revenue Statute regulating the term of office of county treasurer, and collector—therefore,

Resolved, That the committee on the judiciary be instructed to report a bill defining their term of office—and if deemed expedient, to legalize all illegal proceedings occasioned thereby.

Which were considered and agreed to.

Mr. Logan submitted the following resolution:

Resolved, That the judiciary committee be instructed to inquire into the expediency of so amending the 374th section of the 30th chapter, of the 14th article of the Revised Statutes, making provision for the distribution of the surplus estate of deceased persons, and the payment of legacies; so that after the term of five years, or some other period, shall have expired, from the date of issuing letters of administration, the probate court in making an order of distribution, shall not require the distributees, previous to the reception of their respective shares, to file in the office of the clerk of such court a bond, with sufficient security, conditioned for the refunding of their rateable portions of the estate distributed to them; with leave to report by bill or otherwise.

Which was considered and agreed to.

Mr. Buell of Dearborn submitted the following resolution:

Resolved, That the committee on elections inquire into the expediency of altering the election law, so as to require ten days actual residence in the county, immediately preceding the day any elector

may offer to vote. Also, to make it imperative on the judges of any election to administer the oath of qualification to any person offering a vote, who may be challenged by a legal voter.

Which was considered and agreed to.

Mr. Orth submitted the following preamble and resolution:

WHEREAS, at the last session of the General Assembly, the following resolution was adopted, viz:

"*Be it resolved by the General Assembly of the State of Indiana*, That the directors on the part of the State, of the State Bank (of Indiana) aforesaid, be requested to use their best exertions in procuring a reduction of the salaries of the President of the State Bank of Indiana, and the president and cashiers of the respective Branches of said State Bank; and that said board of directors be further requested to exercise their power and influence to prohibit the collecting officers or legal advisers of the several branch banks from acting as directors thereof; also, to have the number of subordinate officers reduced when it be practicable."

AND, WHEREAS, The people of the State of Indiana are desirous of knowing what steps, if any, have been taken, to carry out, in good faith, the spirit of retrenchment and reform that pervaded the last General Assembly—therefore,

Be it resolved, That the President of the State Bank of Indiana be requested to inform the Senate, at an early day, what measures have been taken by the directors aforesaid, to carry out the purposes of said resolution; what reduction has been made in the salary of the president aforesaid; and of the presidents and cashiers of the respective branches aforesaid. And if no such reduction has taken place, a list of the yeas and nays of the State board on such question of reduction. What measures have been taken to prohibit the collecting officers and legal advisers of the several branch banks from acting as directors thereof. Also, what reduction, if any, has been made in the number of subordinate officers of said Bank and branches.

Which were considered and agreed to.

Mr. Goodenow submitted the following resolution:

Resolved, That the committee on roads be instructed to inquire into the expediency of so amending the road law, as to provide for the appointment of supervisors of roads, by the county boards at their March term.

Which was considered and agreed to.

Mr. Allison submitted the following resolution:

Resolved, That the committee on education be instructed to inquire into the expediency of so amending the law now in force regulating the school fund, and forfeited lands to said fund by mortgage, for failure to pay the interest or principal thereon, as to authorize the officer having charge of the same, first to offer the land, after legal notice, for the amount of principal, interest, costs and damages; and if there be no bid for it, then let him offer it on the

same terms that 16th sections are sold: that is, for all interest and cost due, and one-fourth of the principal in hand, the balance within 10 or 25 years; the purchaser paying the interest in advance, annually, on the balance of said purchase money; and report the result of their examination at as early a day as practicable.

Which was considered and agreed to.

Mr. Hodge submitted the following resolution:

Resolved, That the committee on education be instructed to report a bill prescribing the principle upon which the saline fund shall be distributed among the several counties.

Which was considered and agreed to.

Mr. Herriman submitted the following resolution:

Resolved, That the door-keeper of the Senate contract with the the editors of the "Indiana Freeman," for three copies of their respective papers to be delivered at the Senator's desks at a price not exceeding the price paid to the editors of the Indiana Journal and State Sentinel.

Mr. Read moved to amend the resolution so as to include the "Western Spectator."

Mr. Ewing moved to amend so as to include "every paper in the State."

And the ayes and noes being desired by Messrs. Defrees and Herriman;

Those who voted in the affirmative are,

Messrs. Bowers, Chapman of Laporte, Defrees, and Ewing—4.

Those who voted in the negative are,

Messrs. Akin, Alexander, Allison, Berry, Bradbury, Buell of Dearborn, Carr, Coffin, Cotton, Davis, Dole, Duzan, Edmonson, Farmer, Goodenow, Hamer, Henry, Herriman, Hodge, Holloway, Hutton, Jackson, Jones, Kennedy, Lane, Leviston, Logan, Major, Miller, Moore, Morgan of Decatur, Morgan of Rush, Orth, Parks, Pennington, Read, Reyburn, Rippey, Ritchey, Rockhill, Stanford, Tannehill, Todd, and Wood—44.

So the amendment was disagreed to.

A motion was made by Mr. Edmonson to lay the resolution and pending amendment on the table.

The ayes and noes being desired by Messrs. Ewing and Herriman,

Those who voted in the affirmative are,

Messrs. Akin, Alexander, Allison, Berry, Bowers, Bradbury, Buell of Warren, Carr, Chapman of Daviess, Cotton, Davis, Dole, Duzan, Ewing, Edmonson, Farmer, Goodenow, Henry, Holloway, Hutton,

Jackson, Jones, Lane, Leviston, Logan, Major, Miller, Moore, Morgan of Decatur, Morgan of Rush, Parks, Pennington, Reyburn, Rippey, Ritchey, Tannehill, and Todd—37.

Those who voted in the negative are,

Messrs. Buell of Dearborn, Chapman of Laporte, Coffin, Defrees, Hamer, Herriman, Hodge, Kennedy, Orth, Read, Rockhill, Stanford, and Wood—13.

So the resolution and pending amendment were ordered to lie on the table.

Mr. Read introduced joint resolution,

No. 25. A joint resolution relative to postage;

Which was read and ordered to a second reading.

Mr. Berry introduced joint resolution,

No. 26. A joint resolution in relation to the White Water valley canal company;

Which was read and ordered to a second reading.

Mr. Holloway introduced, bill

No. 27. A bill to revise and amend an act, entitled "An act to incorporate the Richmond and Boston turnpike company;

Which was read and ordered to a second reading.

Mr. Akin introduced bill,

No. 28. A bill to amend an act to locate a State road in Sullivan and Greene counties, approved January 15, 1844;

Which was read and ordered to a second reading.

Mr. Morgan of Decatur introduced bill

No. 29. A bill to amend an act providing for the election of supervisors of highways;

Which was read and ordered to a second reading.

The Senate then proceeded to the orders of the day.

BILLS ON A THIRD READING.

No. 6. A bill for the relief of Pierre (alias Peter) Poncin, of Knox county.

No. 7. A bill to extend the time of holding probate courts in the counties of Washington, Ripley and Jefferson.

No. 8. A bill to repeal the act incorporating the draw bridge company at Terre Haute, in Vigo county, approved January 15, 1844.

No. 9. A bill relative to the fall terms of the circuit courts in the twelfth judicial circuit, and for other purposes.

No. 10. A bill to vacate part of a State road in the county of Noble.

Were severally read a third time and passed.

No. 11. A joint resolution reviving in part a certain act therein named.

The ayes and noes being desired on the question of the passage of the resolution, by Messrs. Defrees and Ewing,

Those who voted in the affirmative are,

Messrs. Akin, Berry, Bowers, Buell of Dearborn, Carr, Chapman of Daviess, Chapman of Laporte, Duzan, Edmonson, Herriman, Hutton, Jackson, Jones, Kennedy, Lane, Leviston, Logan, Miller, Parks, Read, Rippey, Ritchey, Rockhill, Stanford, Tannehill, and Wood—26.

Those who voted in the negative are,

Messrs. Alexander, Allison, Bradbury, Buell of Warren, Coffin, Cotton, Davis, Defrees, Dole, Ewing, Farmer, Goodenow, Hamer, Henry, Hodge, Holloway, Moore, Morgan of Decatur, Morgan of Rush, Orth, Pennington, Reyburn, and Todd—23.

So the joint resolution was passed.

Ordered, That the Secretary notify the House of Representatives of the passage of said engrossed bill and joint resolution, and ask their concurrence therein.

BILLS ON A SECOND READING.

No. 12. A bill to repeal a certain act therein named;

Was read a second time and ordered to be engrossed.

No. 13. A bill to provide for the inspecting of whiskey, and other purposes.

Mr. Buell of Dearborn, moved to amend said bill, so as to exempt the county of Dearborn from its operation;

To which amendment the Senate agreed.

And the bill was read a second time and ordered to be engrossed.

No. 14. A bill to legalize certain proceedings therein named;

Was read a second time.

On motion, by Mr. Ewing,

Said bill was referred to the committee on the judiciary.

No. 15. A bill to extend the time of holding the May term of the Decatur circuit court;

Was read a second time and ordered to be engrossed.

No. 16. A bill to amend an act, entitled "an act to incorporate the Lawrenceburgh and Napoleon turnpike company, approved Feb. 18, 1840;

Was read a second time, and,

On motion by Mr. Buell of Dearborn,

Was referred to a select committee.

Ordered, That said committee consist of Messrs. Buell, Bowers, and Morgan of Decatur.

No. 17. A bill to enable married women to acquire and hold separate property;

Was read a second time, and,

On motion by Mr. Edmonson,

Was referred to the committee on the judiciary.

No. 18. A bill providing for the payment of jurors and supervisors in the county of Franklin;

Was read a second time, and,

On motion by Mr. Orth,

Was referred to the committee on the judiciary.

Mr. Pennington moved to instruct said committee to make the law general;

Which was disagreed to.

No. 19. A bill to authorize the treasurer of Dubois county to perform the duties of school commissioner;

Was read a second time.

Mr. Orth moved to refer said bill to the committee on the judiciary, with instructions to make the law general;

To which the Senate disagreed.

It was then referred to said committee without instructions.

No. 20. A bill to authorize the board of commissioners of Marion county to settle with John Elder, late surplus revenue agent, and for other purposes;

Which was read, and,

On motion by Mr. Chapman of Laporte,

Was referred to a select committee, to report the facts thereon.

Ordered, That said committee be composed of Messrs. Todd, Chapman, and Orth.

No. 21. A bill to amend article fifth, of the twenty-fifth chapter of the revised statutes of 1843;

Was read a second time, and,

On motion by Mr. Henry,

Was referred to the committee on agriculture.

No. 22. A bill to enable circuit courts to consolidate indictments, in cases of misdemeanors;

Was read a second time, and,

On motion by Mr. Parks,

Was referred to the committee on the judiciary.

Message from the House, by Mr. Farquhar, their Clerk:

MR. PRESIDENT:

I am directed by the House of Representatives, to inform the Senate that the House has passed the following engrossed bills thereof:

No. 1. An act to vacate a certain alley in the town of West Logan, and for other purposes.

No. 14. An act to repeal an act, to limit the trustees of Evansville to a certain tax.

Bill No. 1, contained in the foregoing message,
Was read and ordered to a second reading.
Also, No. 14, was read and ordered to a second reading, when,
On motion by Mr. Lane,
The rule of the Senate was suspended,
The bill was read a second time, and ordered to a third reading.
The President communicated to the Senate the report of the President of the State Bank.
On motion by Mr. Edmonson,
Ordered, That said report do lie upon the table, and that 500 copies of the same be printed for the use of the Senate.
The President also laid before the Senate, the report of the Commissioners of the Sinking Fund; which,
On motion by Mr. Orth,
Was laid upon the table, and two hundred copies ordered to be printed for the use of the Senate.
Leave having been obtained,
Mr. Orth introduced the petition of James Campbell and others, citizens of Tippecanoe county, on the subject of shooting matches; which,
On motion by Mr. Orth,
Was referred to the committee on military affairs.
Leave having been obtained,
Mr. Henry presented the petition of John Dumont of Switzerland county, praying for relief in relation to certain docket fees, &c.
On motion by Mr. Henry,
Ordered, That said petition be referred to the committee on claims.
On motion by Mr. Orth,
The Senate adjourned.

TUESDAY MORNING, December 10, 1844.

The Senate assembled.

The Journal of the preceding day was read.

Mr. Chapman of Laporte, chairman of the committee on the judiciary, made the following report:

Mr. President:

The committee on the judiciary, to which was referred bill of the

Senate No. 5, "A bill relating to the collection of taxes in the town of Rising Sun," has had the same under consideration, and directed me to report the same back to the Senate, with one amendment, and recommend its passage. Amend by adding at the end of the second section the following: "Which publication shall be made at the expense of said county of Ohio."

The amendment of the committee was then agreed to, and the bill read a second time.

On motion by Mr. Buell of Dearborn,

The rule of the Senate was suspended, the bill read a third time, and passed.

Ordered, That the Secretary inform the House of the passage of said bill, and ask their concurrence therein.

Mr. Chapman of Laporte, chairman of the committee on the judiciary, submitted the following report:

Mr. President:

The committee on the judiciary, to whom was referred the memorial of David Harris, have had the same under consideration, and have directed me to report that it is inexpedient to legislate thereon.

Mr. Todd, from the committee on the judiciary, submitted the following report:

Mr. President:

The judiciary committee, to whom was referred a resolution of the Senate, directing said committee to enquire into the expediency of increasing the pay of grand and petit jurors, to the sum of one dollar per day, and to report thereon by bill or otherwise, have had the same under consideration, and directed me to report the following bill:

No. 30. A bill to regulate the compensation of grand and petit jurors;

Which was read a first time and ordered to a second reading.

Mr. Miller moved to suspend the rule of the Senate and read the bill a second time now;

To which the Senate disagreed.

Mr. Allison, from the committee on canals and internal improvements, submitted the following report:

Mr. President:

The committee on canals and internal improvements, to which was referred the resolution of the Senate, instructing them to enquire into the expediency of memorializing Congress, asking for an appropriation of the unsold lands in the Vincennes district, to be applied to the continuation and completion of the Wabash and Erie canal

from Terre Haute to Evansville, on the Ohio river, have had the same under consideration, and directed me to report the following joint resolution and recommend its passage:

No. 31. A joint resolution in relation to the completion of the Wabash and Ohio canal;

Which joint resolution was read a first time and ordered to a second reading.

Mr. Farmer, from a select committee appointed for that purpose, submitted the following report:

MR. PRESIDENT:

The select committee to whom was referred the petition of Isaiah Crow and others, of Monroe county, have had the same under consideration, and directed me to report the following bill and request its passage:

No. 32. A bill for the relief of Isaiah W. Crow and Daniel McCaughn.

Ordered, That said bill be read a first time and pass to a second reading.

Mr. Farmer, from the select committee appointed for that purpose, made the following report:

MR. PRESIDENT:

The select committee to whom was referred the petition of Richard Carmichael and others, praying for the passage of an act, of the General Assembly, repealing so much of an act entitled, "An act to restrict the sessions of the grand jury to three days at each term of the Hancock circuit court," approved January 15, 1844, as relates to the county of Monroe, excepting their per diem allowance, have had the subject matter of the petition under consideration, and have directed me to report the following bill and recommend its passage:

No. 33. A bill to repeal, in part, an act entitled, "An act to restrict the session of the grand jury to three days at each term of the Hancock circuit court," approved January 15, 1844.

Ordered, That said bill be read a first time and pass to a second reading.

On motion by Mr. Henry,

Resolved, That the Treasurer of State be requested to furnish the Senate, at as early a day as may be convenient, a statement of the amount of *forged* or *altered* treasury notes received by him before discovery, and the amount offered at his office since his discovery of the fraud, as alluded to in his annual report.

Mr. Defrees moved that the resolution proposing the appointment of a select committee of five, to enquire into the feasibility of a plan

therein named, for the arrangement of the State debt, be now taken from the table;

Which was agreed to.

Mr. Ewing submitted the following amendment to the resolution:

"Or report such other mode as may appear to said committee judicious and practicable, if any such be approved;"

Which amendment was agreed to, and the resolution was adopted.

Mr. Logan submitted the following resolution:

Resolved, That the committee on military affairs be instructed to enquire into the expediency of reviving the act of 1831, entitled, "An act to organize and regulate the militia of the State of Indiana," with leave to report by bill or otherwise;

Which resolution was adopted.

On motion by Mr. Miller,

Resolved, That the committee on military affairs be requested and required to enquire into the expediency of a revision of the militia law, and report to this House [Senate] by bill or otherwise as soon as convenient.

On motion by Mr. Allison,

Resolved, That the committee on the judiciary be instructed to enquire into the expediency of authorizing, by law, probate courts to appoint two or more judicious and respectable freeholders, in each county, as commissioners, to appraise and inventory the personal property of decedents dying without real estate; and if the personal property does not amount to one hundred and fifty dollars, and that fact being reported by such commissioners to the court, or clerk thereof, in vacation, letters of administration need not be taken out, unless it afterward appear that said estate exceeds in value the sum of one hundred and fifty dollars—the amount allowed by law to the widow of the decedent. Said commissioners to be allowed one dollar and twenty-five cents per day out of the county treasury.

Leave being granted,

Mr. Hodge presented the petition of sundry citizens of Delaware, Henry, and Wayne counties, together with a plat, describing the district of country through which a certain road therein named is located, praying for a change in the location of a part of said road.

On motion by Mr. Hodge,

Ordered, That said petition and plat be referred to the committee on roads.

Mr. Stanford presented the remonstrance of certain citizens of Wayne and Henry counties, in relation to the same subject; which,

On motion by Mr. Stanford,

Was referred to the same committee.

On leave,

Mr. Chapman of Daviess presented the petition of James Riley and others, citizens of Daviess and Martin counties, praying the interposition of the General Assembly to make available certain cer-

tificates issued by the Agent of the New Albany and Vincennes road, in pursuance of law.

On motion by Mr. Chapman of Daviess,

Said petition was referred to a select committee.

Ordered, That said committee be composed of Messrs. Chapman of Daviess, Davis, Ewing, Pennington, Miller, and Edmonson.

Mr. Ewing presented joint resolution,

No. 34. A joint resolution in relation to the improvement of the Wabash river.

Ordered, That said joint resolution be read the first time and pass to a second reading.

Mr Lane introduced,

No. 35. A bill to change the name of Cornelia Minerva Nevins to Cornelia Minerva Warner.

Ordered, That said bill be read the first time and pass to a second reading.

Mr. Duzan introduced,

No. 36. A bill extending the time of holding circuit courts in the county of Boone;

Which was read and ordered to a second reading.

The Senate then proceeded to the Orders of the Day.

BILLS ON A THIRD READING.

No. 12. A bill to repeal a certain act therein named.

Ordered, That said bill be read a third time and passed;

And that the Secretary inform the House of Representatives of the passage thereof, and ask their concurrence.

No. 13. A bill to provide for the inspecting of whiskey and other purposes.

On motion by Mr. Henry,

Ordered, That said bill lie upon the table.

No. 15. A bill to extend the time of holding the May term of the Decatur circuit court.

Ordered, That said bill be read a third time and passed;

And that the Secretary inform the House of Representatives of its passage, and ask their concurrence therein.

House bill No. 14. An act to repeal an act to limit the trustees of Evansville to a certain tax.

Ordered, That said bill be read a third time and passed.

BILLS ON A SECOND READING.

No. 23. A bill to re-charter Hanover College;

No. 24. A bill for the relief of Wilson McConnell of Elkhart county;

No. 25. A joint resolution relative to postage;

No. 26. A joint resolution in relation to the Whitewater Valley Canal Company;

No. 27. A bill to revive and amend an act entitled, "An act to incorporate the Richmond and Boston Turnpike Company;"

No. 28. A bill to amend an act entitled, "An act to locate a State road in Sullivan and Greene counties," approved January 15, 1844;

No. 29. A bill to amend an act providing for the election of supervisors of highways in the county of Decatur.

Ordered, That said bills and joint resolutions be severally read a second time and be engrossed.

House Bill No. 1. A bill to vacate a certain alley in the town of West Logan, and for other purposes.

Ordered, That said bill be read a second time and pass to a third reading.

A message from the House by Mr. Farquhar, their Clerk:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the House has concurred in the amendment of the Senate to bill of the House No. 5, an act providing for holding a special term of the Cass circuit court.

On motion by Mr. Parks,

The Senate adjourned.

2 o'clock, P. M.

The Senate assembled.

The President laid before the Senate the report of the Terre Haute Branch of the State Bank; which,

On motion by Mr. Edmonson,

Was referred to the committee on the State Bank.

Mr. Davis, from the select committee appointed for that purpose, made the following report:

MR. PRESIDENT:

The select committee to whom was referred the petition of Robert Downey, on the subject of an improved method of manufacturing leather, have had the same under consideration, and have instructed me to report the following joint resolution:

No. 37. A joint resolution on the subject of Robert Downey's improved method of manufacturing leather;

Which was read a first time and ordered to a second reading.

On motion by Mr. Davis,

The rule of the Senate was suspended, the joint resolution read a second time, and ordered to be engrossed.

Mr. Lane introduced,

No. 38. A bill for the relief of Francis Linck and Bayless Bennett, of Vanderburgh county.

Ordered, That said bill be read a first time and pass to a second reading.

Mr. Tannehill presented the petition of Ransom Davis, William C. Brown, and others, citizens of the county of Bartholomew, praying that millers over fifty years of age, may not be hereafter required to carry in and out the grain brought to their mills.

On motion by Mr. Tannehill,

Ordered, That said petition be referred to a select committee.

Ordered, That said committee be composed of Messrs. Tannehill, Wood, and Leviston.

Mr. Parks presented the petition of Rebecca Goble, and certain citizens of Owen and Morgan counties, praying the General Assembly to dissolve the bonds of matrimony between the said Rebecca Goble and William Goble, her husband.

Mr. Parks moved to refer said petition to the committee on the judiciary.

The ayes and noes being called for by two Senators,

Those who voted in the affirmative are,

Messrs. Berry, Bradbury, Coffin, Davis, Edmonson, Herriman, Holloway, Hutton, Jackson, Jones, Lane, Leviston, Major, Miller, Parks, Pennington, Read, Rippey, Ritchey, Tannehill, and Wood—21.

Those who voted in the negative are,

Messrs. Akin, Alexander, Allison, Bowers, Buell of Dearborn, Buell of Warren, Carr, Chapman of Daviess, Duzan, Ewing, Farmer, Goodenow, Hamer, Henry, Hodge, Kennedy, Logan, Moore, Morgan of Decatur, Morgan of Rush, Reyburn, and Stanford—22.

And so the motion to refer was disagreed to.

Mr. Ewing moved to lay the petition on the table.

The ayes and noes being desired by two Senators,

Those who voted in the affirmative are,

Messrs. Alexander, Allison, Bowers, Bradbury, Buell of Dearborn, Buell of Warren, Carr, Chapman of Daviess, Davis, Duzan, Ewing, Farmer, Goodenow, Hamer, Henry, Hodge, Holloway, Hutton, Jackson, Jones, Kennedy, Lane, Leviston, Logan, Miller, Moore, Morgan of Decatur, Morgan of Rush, Orth, Read, Reyburn, Rippey, Ritchey, Rockhill, Stanford, and Todd—36.

Those who voted in the negative are,

Messrs. Akin, Berry, Coffin, Edmonson, Herriman, Major, Parks, Pennington, Tannehill, and Wood—10.

So the petitions were laid upon the table.

Mr. Reyburn introduced,

No. 39. A bill to amend an act entitled, "An act for the benefit of persons who are likely to suffer by the destruction of the records of Miami county by fire;" and to provide for the election of a commissioner to restore said records.

Ordered, That the bill be read a first time and pass to a second reading.

On motion by Mr. Miller,

Resolved, That the judiciary committee be requested to enquire whether there is any law now in force authorizing the several boards doing county business in this State to rectify any mistake in the appraisement of any land or real estate which was wrongfully assessed or appraised, since the year 1840. And if there be no law authorizing them so to do, that they be requested to report a bill authorizing said county boards to equalize the valuation of all lands or real estate, and to rectify any and all illegal assessments which have heretofore been made, or may hereafter be made.

On motion by Mr. Henry,

Resolved, That the committee on education be directed to enquire into the expediency of enacting a law, requiring the trustees of all incorporated universities, colleges, or seminaries of learning, to report to the superintendent of common schools the number of scholars, and branches of useful knowledge taught, in their respective institutions; and report by bill or otherwise.

Mr. Orth submitted the following preamble and resolution:

WHEREAS, By the report of the State Librarian, exhibiting the number and description of works purchased within the last year, it it appears that a large sum has been expended without adding much, if anything, to the permanent usefulness of the State Library: Therefore,

Be it resolved, That the said Librarian inform the Senate *when* said books referred to in his report were purchased; *where* they were purchased; *of whom* they were purchased, and *by whom* they were purchased. And also that he bring said books, so purchased, into this chamber for the inspection of the Senate.

Mr. Edmonson moved to amend said resolution by striking out that part requiring the Librarian to bring the books into this chamber for the inspection of the Senate;

Which was decided in the negative.

Mr. Herriman moved to lay the resolution on the table.

The ayes and noes being desired by two Senators,

Those who voted in the affirmative are,

Messrs. Akin, Berry, Carr, Edmonson, Herriman, Jackson, Lane, Major, Miller, Parks, Rippey, and Wood—12.

Those who voted in the negative are,

Messrs. Alexander, Allison, Bowers, Bradbury, Buell of Dearborn, Buell of Warren, Chapman of Daviess, Coffin, Cotton, Davis, Defrees, Duzan, Ewing, Farmer, Goodenow, Hamer, Henry, Hodge, Holloway, Hutton, Jones, Kennedy, Leviston, Logan, Moore, Morgan of Decatur, Morgan of Rush, Orth, Pennington, Read, Reyburn, Ritchey, Rockhill, Stanford, and Todd—35.

And so the motion to lay on the table was disagreed to.

Mr. Ewing submitted the following amendment:

"And also that the joint committee on the State Library of the Senate call for and examine the invoices of all purchases made during the last two years, and report upon the same;"

Which was agreed to.

Mr. Read moved to amend by striking out the preamble;

Which motion was disagreed to.

Mr. Ritchey moved to amend said resolution by striking out that part which requires the Librarian to bring the books into this chamber for the inspection of the Senate;

Which motion was agreed to.

And the resolution, as amended, was adopted.

Mr. Defrees submitted the following resolution:

Resolved, That the committee on the judiciary be instructed to enquire into the expediency of amending the 429th section of chapter 40 of the Revised Statutes of 1843, so as to render purchasers failing to pay the purchase money, liable in damages to the execution plaintiff, on motion, as is now given to the officer making such sale;

Which was adopted.

Mr. Carr introduced,

No. 40. A bill to repeal an act entitled, "An act to change the mode of selecting petit jurors in the counties of Jackson and Bartholomew, and for other purposes," approved December 29, 1841—so far as it relates to Jackson county.

Ordered, That said bill be read a first time and pass to a second reading.

On motion by Mr. Allison,

Resolved, That so much of the Treasurer's annual report as relates to the issue of treasury notes bearing one fourth of one per cent. interest to be given in exchange for the old issue now in circulation, including the interest on the same, be referred to the committee on finance, with instructions to enquire into the expediency of reporting a bill authorizing said exchange, by counting one half or more of the interest which has accrued.

On motion by Mr. Farmer,

The Senate adjourned.

WEDNESDAY MORNING, December 11, 1844.

The Senate assembled.

The Journal of the preceding day was read.

The President laid before the Senate the report of the President of the State Bank in reply to a resolution of the Senate, asking for information with regard to the reduction of the salaries of Bank officers.

On motion by Mr. Chapman of Laporte,

The report and accompanying copy of the Journal of the State Board was ordered to lie upon the table, and one hundred copies to be printed for the use of the Senate.

The President laid before the Senate the report of the State Treasurer in reply to a resolution of the Senate, requiring information on the subject of public defaulters:

Treasurer's Office,
Indianapolis, Dec. 10, 1844.

Hon. Jesse D. Bright,

President of the Senate:

The enclosed resolution of the Senate was handed me this day.

Permit me to state to the Senate that the defaults, of the character mentioned in the resolution, cannot be ascertained from the books of this office. That by the operation of the Revised Statutes, the books containing accounts of the trust fund loans, were removed from this office to that of the Auditor, and that the books showing the facts sought by the adoption of this resolution are in the Auditor's custody.

I therefore beg leave to refer the Senate to that officer for the information desired.

Very respectfully,
Your obedient servant,
R. MAYHEW.

On motion by Mr. Ewing,

Ordered, That the said resolution and report be referred to the Auditor of State, and that he be requested to furnish the information called for by the resolution.

Mr. Hutton presented the petition of John M. Britton and others, citizens of Parke, Putnam, and Montgomery counties, praying for the formation of a new county out of the surplus territory now of said counties; which was,

On motion by Mr. Hutton,

Referred to a select committee of five.

Ordered, That said committee be composed of Messrs. Hutton, Coffin, Moore, Parks, and Berry.

Mr. Rockhill presented the petition of George W. Wood, of the county of Allen, asking the General Assembly to ratify the proceedings of the common council of the city of Fort Wayne, in relation to the said George W. Wood; which,

On motion by Mr. Rockhill,

Was referred to a select committee.

Ordered, That said committee be composed of Messrs. Rockhill, Pennington, and Herriman.

Mr. Rockhill presented the petition of Daniel Jeffries and others, citizens of Allen county, praying for the passage of a law authorizing certain persons to drain lands through adjoining lands; which,

On motion by Mr. Rockhill,

Was referred to a select committee.

Ordered, That said committee be composed of Messrs. Rockhill, Rippey, and Duzan.

Mr. Buell of Dearborn, chairman of the committee on the State Bank, submitted the following report:

MR. PRESIDENT:

The committee on the State Bank, to whom was referred so much of the Governor's message as relates to the loans made by the State, of the several Branches of the State Bank, have directed me to report that no legislation is, in their opinion, deemed necessary at this time; and they ask to be discharged from the further consideration of the subject.

On motion by Mr. Pennington,

Resolved, That the committee on the judiciary be instructed to enquire into the expediency of so amending the stay law, that all purchasers of property at the sale of decedents' estates, hereafter, shall not have the benefit of the present stay laws in the collection of said debts; with leave to report by bill or otherwise.

Mr. Bowers submitted the following resolution:

Resolved, That the committee on education be instructed to enquire into the expediency of so amending the 73d section of chapter

fifteen, of the Revised Statutes of 1843, as to give to all householders the right to vote at the meetings of the inhabitants of school districts, with leave to report by bill or otherwise.

Which was adopted.

On motion by Mr. Miller,

Resolved, That the Treasurer of State be requested to lay before the Senate the report of the Superintendent of the New Albany and Vincennes Road, at as early a day as practicable.

Mr. Logan submitted the following resolution:

Resolved, That the Senate will, the House of Representatives concurring therein, adjourn *sine die* on the first day of January next.

Mr. Pennington moved to lay said resolution on the table.

The ayes and noes being demanded by Messrs. Logan and Parks,

Those who voted in the affirmative are,

Messrs. Alexander, Bradbury, Chapman of Laporte, Dole, Farmer, Hutton, Kennedy, Morgan of Rush, Pennington, Read, Reyburn, Rockhill, and Todd—13.

Those who voted in the negative are,

Messrs. Akin, Allison, Berry, Bowers, Buell of Dearborn, Buell of Warren, Carr, Coffin, Cotton, Davis, Defrees, Duzan, Edmonson, Goodenow, Hamer, Henry, Herriman, Hodge, Holloway, Jackson, Jones, Lane, Leviston, Logan, Major, Miller, Moore, Morgan of Decatur, Orth, Parks, Rippey, Ritchey, Stanford, Tannehill, and Wood—35.

So the resolution was not laid upon the table.

Mr. Hamer moved to amend the resolution by striking out "first" and inserting "sixth;"

Which was disagreed to.

Mr. Davis moved to postpone the further consideration of the subject until the 25th instant.

The ayes and noes being desired by Messrs. Parks and Akin,

Those who voted in the affirmative are,

Messrs. Alexander, Allison, Bowers, Bradbury, Chapman of Laporte, Coffin, Cotton, Davis, Defrees, Dole, Farmer, Goodenow, Hamer, Hodge, Holloway, Hutton, Moore, Morgan of Rush, Pennington, Read, Reyburn, Stanford, Tannehill, Todd, and Wood—25.

Those who voted in the negative are,

Messrs. Akin, Berry, Buell of Dearborn, Carr, Chapman of Daviess, Duzan, Edmonson, Ewing, Henry, Herriman, Jackson, Jones, Kennedy, Lane, Leviston, Logan, Major, Miller, Morgan of Decatur, Orth, Parks, Rippey, Ritchey, and Rockhill—24.

And so the further consideration of the subject was postponed till the 25th instant.

Mr. Ritchey submitted the following resolution:

Resolved, That the Senate will, the House of Representatives concurring therein, proceed, on to-morrow at ten o'clock, A. M., to the election of President Judges in the first, second, and third judicial circuits.

Mr. Ewing moved to lay said resolution on the table.

The ayes and noes being desired by Messrs. Ritchey and Herriman,

Those who voted in the affirmative are,

Messrs. Alexander, Bowers, Bradbury, Buell of Warren, Coffin, Cotton, Davis, Defrees, Dole, Ewing, Farmer, Goodenow, Hamer, Hodge, Holloway, Moore, Morgan of Decatur, Morgan of Rush, Orth, Pennington, Reyburn, Stanford, and Todd—23.

Those who voted in the negative are,

Messrs. Akin, Allison, Berry, Buell of Dearborn, Carr, Chapman of Laporte, Duzan, Edmonson, Henry, Herriman, Hutton, Jackson, Jones, Kennedy, Lane, Leviston, Logan, Major, Miller, Parks, Read, Rippey, Ritchey, Rockhill, Tannehill, and Wood—26.

So the resolution was not laid upon the table.

The question recurring on the adoption of the resolution,

The ayes and noes were desired by Messrs. Morgan of Decatur and Dole.

Those who voted in the affirmative are,

Messrs. Akin, Allison, Berry, Buell of Dearborn, Carr, Chapman of Daviess, Chapman of Laporte, Duzan, Edmonson, Farmer, Henry, Herriman, Hutton, Jackson, Jones, Kennedy, Lane, Leviston, Logan, Major, Miller, Parks, Read, Rippey, Ritchey, Rockhill, Tannehill, and Wood—28.

Those who voted in the negative are,

Messrs. Alexander, Bowers, Bradbury, Buell of Warren, Coffin, Cotton, Davis, Defrees, Dole, Ewing, Goodenow, Hamer, Hodge, Holloway, Moore, Morgan of Decatur, Morgan of Rush, Orth, Pennington, Reyburn, Stanford, and Todd—22.

So the resolution was adopted.

Mr. Orth introduced joint resolution,

No. 41. A joint resolution on the subject of the annexation of Texas;

Which was read a first time and ordered to a second reading.

Mr. Buell of Dearborn introduced,

No. 42. A bill to extend certain privileges in an act therein named;

Which was read and ordered to a second reading.

Mr. Goodenow introduced,

No. 43. A bill providing for establishing school district libraries;

Which was read and ordered to a second reading.

Mr. Kennedy, from the select committee appointed to consider the subject of a special term of the Shelby circuit court, reported,

No. 44. A bill providing for a special term of the Shelby circuit court;

Which was read and ordered to a second reading.

On motion by Mr. Kennedy,

The rule of the Senate was suspended, and [the bill] read a second time, and ordered to be engrossed.

On motion by Mr. Herriman,

The rule of the Senate was further suspended, the bill read a third time, and passed.

Ordered, That the Secretary inform the House of Representatives of the passage of said bill and ask their concurrence therein.

The Senate then proceeded to the Orders of the Day.

ON A THIRD READING.

No. 23. A bill to re-charter Hanover College;

No. 24. A bill for the relief of Wilson McConnell of Elkhart county;

No. 25. A joint resolution relative to postage.

Which were severally read the third time and passed.

Ordered, That the Secretary inform the House of the passage of the said bills and joint resolution, and ask their concurrence therein.

No. 26. A joint resolution in relation to the Whitewater Valley Canal Company;

Was read a third time.

On motion by Mr. Chapman of Laporte,

The vote was reconsidered on ordering said joint resolution to be engrossed for a third reading.

On motion by Mr. Chapman of Laporte,

The joint resolution was referred to the committee on canals and internal improvements.

No. 27. A bill to revive and amend an act entitled, "An act to incorporate the Richmond and Boston Turnpike Company.

Mr. Orth moved to reconsider the vote ordering said bill to a third reading;

Which was agreed to.

On motion by Mr. Buell of Dearborn,

The bill was referred to the committee on corporations.

No. 28. A bill to amend an act entitled, "An act to locate a State road in Sullivan and Greene counties," approved January 15, 1844;

No. 29. A bill to amend an act providing for the election of supervisors of highways in the county of Decatur;

Were severally read a third time and passed.

Ordered, That the Secretary inform the House of the passage of said bills, and ask their concurrence therein.

House bill,

No. 1. A bill to vacate a certain alley in the town of West Logan, and for other purposes;

Was read the third time and passed.

Ordered, That the Secretary inform the House of Representatives accordingly.

No. 37. A joint resolution on the subject of Robert Downey's improved method of manufacturing leather;

Was read a third time and passed.

Ordered, That the Secretary inform the House of the passage of said joint resolution, and ask their concurrence therein.

ON A SECOND READING.

No. 30. A bill to regulate the compensation of grand and petit jurors.

Mr. Morgan of Decatur moved to strike from the bill "one dollar" and insert seventy-five cents;"

But afterwards withdrew said motion, and moved to amend so as to exclude the county of Decatur from its operations;

Which was agreed to.

Mr. Tannehill moved to amend the bill so as to exclude the county of Bartholomew from its operation;

Which was agreed to.

Mr. Herriman moved to amend said bill, by adding, after the words "one dollar," the words "and twenty-five cents," so far as the same relates to the counties of Noble, Lagrange, Steuben, and Dekalb.

Mr. Jones moved to amend the amendment by embracing the county of Fountain;

Which was accepted by the mover.

Mr. Kennedy moved to amend the amendment by adding the county of Shelby;

Accepted by the mover.

Mr. Orth moved to amend the amendment by adding the county of Tippecanoe;

Accepted by the mover.

Mr. Reyburn moved to amend the amendment by adding the county of Miami;

Accepted by the mover.

Mr. Morgan of Rush, moved to amend by adding the county of Rush;

Which was accepted by the mover.

Mr. Coffin moved to amend the amendment by adding the county of Parke;

Accepted by the mover.

Mr. Henry submitted the fol'owing amendment to the amendment:

Provided, however, That the county commissioners in each county may, if they deem it expedient, in the several counties, augment, or diminish said sum, as to them may seem right and just.

The ayes and noes being desired by Messrs. Ewing and Dole on the amendment of Mr. Henry,

Those who voted in the affirmative are,

Messrs. Akin, Berry, Bowers, Chapman of Daviess, Dole, Ewing, Farmer, Goodenow, Hamer, Henry, Hodge, Orth, Parks, Pennington, Read, and Stanford—16.

Those who voted in the negative are,

Messrs. Alexander, Allison, Bradbury, Buell of Dearborn, Buell of Warren, Carr, Chapman of Laporte, Coffin, Cotton, Davis, Defrees, Duzan, Edmonson, Herriman, Holloway, Hutton, Jackson, Jones, Kennedy, Lane, Leviston, Logan, Major, Miller, Moore, Morgan of Decatur, Morgan of Rush, Reyburn, Rippey, Rockhill, Tannehill, Todd and Wood—31.

So the amendment was disagreed to.

Mr. Akin moved to re-commit the bill with the amendments to the committee on the judiciary, and that said committee be instructed to report a bill giving the county boards in the several counties in the State, the power to fix the amount to be paid grand and petit jurors;

Which was disagreed to.

Mr. Ewing moved to amend the amendment so as to embrace the county of Knox;

Which was agreed to.

Mr. Defrees moved to embrace the counties of St. Joseph, Marshall, and Fulton;

Which was agreed to.

Mr. Cotton moved to embrace the counties of Perry, Spencer, and Warrick within the amendment;

Which was agreed to.

The amendment of Mr. Herriman, with the amendments thereto, was then agreed to.

Mr. Farmer moved to amend said bill, by striking out the words

"one dollar," and insert "seventy-five cents," so far as relates to the counties of Monroe and Brown;

Which was agreed to.

Mr. Dole moved to amend the bill by inserting as follows:

Provided, That the county commissioners of Vermillion county may augment or diminish the compensation allowed grand and petit jurors.

Mr. Akin moved to amend the amendment by including the counties of Clay, Sullivan, and Vigo;

Which was agreed to.

Mr. Read moved to amend so as to include the county of Clark;

Which was agreed to.

Mr. Orth moved to amend so as to include the county of Tippecanoe;

Which was agreed to.

Mr. Parks moved to amend so as to include the county of Morgan;

Which was agreed to.

Mr. Miller moved to amend so as to include the counties of Orange and Crawford;

Which was agreed to.

Mr. Bowers moved to amend so as to include the county of Ripley;

Which was agreed to.

The amendment as amended was then adopted.

On motion by Mr. Chapman of Laporte,

The bill as amended was referred to a select committee composed of Mr. Orth, to incorporate the various amendments and reduce the several sections of the bill to a proper form.

No. 31. A joint resolution in relation to the completion of the Wabash and Ohio canal;

Was read a second time.

Mr. Ewing moved to amend the joint resolution by striking out the words "all the unsold lands in the Vincennes district."

Pending the consideration of which,

On motion by Mr. Pennington,

The Senate adjourned.

2 o'clock, P. M.

The Senate assembled.

The amendment to the joint resolution on the subject of the Wabash and Ohio canal, being under consideration,

Mr. Ewing withdrew his proposed amendment and offered the following:

Strike out "Evansville" and insert, after the word "to,"—the falls of White river, near the town of Maysville, in Daviess county; and improving the navigation of White river from thence to its junction with the Wabash river, below the Ripple.

Mr. Morgan of Decatur moved to amend the amendment, by applying all the unsold lands in the Indianapolis district, on the Michigan road, between Indianapolis in Marion, and Napoleon in Ripley county.

Pending the consideration of which,

On motion by Mr. Lane,

The Senate adjourned.

THURSDAY MORNING, December 12, 1844.

The Senate assembled.

The Journal of the preceding day was read.

The President laid before the Senate the report of the Treasurer of State, communicating the report of the Superintendent of the New Albany and Vincennes road; which,

On motion of Mr. Davis,

Was referred to a select committee.

Ordered, That said committee be composed of Messrs. Chapman of Daviess, Davis, Ewing, Pennington, Miller, and Edmonson.

The President laid before the Senate the following communication:

To the General Assembly
of the State of Indiana:

I beg leave to make known to the General Assembly, that when I came to close my accounts as late Treasurer of State, and hand over to my successor the funds on hand, amounting to near half a million of dollars, I most unexpectedly found them to differ in the amount of $10,812. An occurrence I am still at a loss satisfactorily to account for, although I have caused every investigation to be made which my opportunities permitted.

There is, however, cause to believe that the difficulty may have occurred in the destruction of the cancelled treasury notes and scrip made last winter by the committee of ways and means, in the paper mill in this town.

The circumstances leading to this belief are, first, that when I came to clear out the treasury vault and hand over its contents, some bundles were found containing mutilated treasury notes, the principal of which amounts to $30,320, and mutilated upper Wabash canal scrip, the principal of which amounts to $33,452 11; all

of which ought and were supposed to have been destroyed. And, second, that some notes were destroyed which were not cancelled.

The circumstances attending the destruction of these notes are these: They had been counted by the committee of ways and means, and mutilated by having round holes punched through them. They were then placed in the treasury vault, in a box specially appropriated for that purpose, and for containing the cancelled State bonds.

In this way the receipts for two years had accumulated, making something like a hundred bundles, ranging from a few hundred to many thousands of dollars, and amounting in all to $———. The bundles were numbered and the amount contained marked on the back.

I was so constantly occupied with official engagements, from the time when the committee got through with their count of the treasury paper, and appointed a time for its destruction, that I had not found time to bring the bundles out of the vault and arrange them for removal to the mill, until just before the committee assembled at my office, and in the hurry that ensued, I contented myself with barely examining the number and amount as marked on the back, without opening the bundles and looking particularly at the contents.

Under other and more favorable circumstances, no doubt, a more thorough examination would have been given, but in the belief that every care had been taken to keep the mutilated scrip separate from all other kinds, it was not thought possible that any mistake or error could occur.

It happened to be a very cold and unpleasant day, and the mill house was open and uncomfortable, and the several members of the committee commenced untying the bundles and throwing the contents under the engines without much ceremony, and in some haste and confusion. During the operation, one member of the committee, I think Mr. Mooney of Jackson county, came to me with a few bills in his hand, part of a bundle he had just cast under the engine, and which were not mutilated. Although surprised at the circumstance, I then felt so much confidence in the care which had been taken in the assorting and placing the scrip, that I could not conceive how any error should have occurred, and I instantly settled down in the conviction that it must have been some small lot or division of a bundle, which the committee, after counting, had omitted to punch, or had failed to punch entirely through; the packages being generally so large, that they had to be separated into parcels for that purpose. This I suggested to Mr. Mooney as being the probability; but I requested the gentlemen to examine the packages more particularly, as they opened them, to see that all were mutilated.

I had no opportunity of investigating the subject afterwards, even if I had thought it important to do so; the press of business consequent upon the close of the session keeping me constantly occupied, and the circumstance passed from my mind until re-called in discovering the time of making my settlement.

Although at a loss to account for the difficulty in any other way, yet I cannot say that I am entirely satisfied that it has occurred in the manner stated; and I entertain some hope that further investigations into the transactions of the office may bring it into light, and such I shall continue to make. It is true that errors in regard to that transaction were committed, as is evident, from the bundles of scrip found on hand, which should have been destroyed, and which must have been overlooked by reason of the darkness of the vault, and their being larger than the other bundles, and looking something like the bundles of State bonds in the same box; and it may have been that some packages of uncounted and unmutilated notes might have got mixed with the others, for the quantity on hand was sometimes so great that the iron safes would not contain it, and it was pilled up in various places in the vault. If the error has occurred in this way it is most likely to be discovered when the scrip is redeemed, as only one class of that kind of paper has been sufficiently in circulation to justify the belief that so great an amount of it could have been lost.

In one aspect of this affair, if the mutilated paper on hand is counted to me, I shall have many more thousands than I am chargeable with. But this would not be right, inasmuch as I have once received credit for it under the supposition that it was destroyed; and although there exists a reasonable probability that some other funds were destroyed for which I have not received credit, I have felt it my duty to place in the treasury an amount sufficient to meet this deficiency. This at some sacrifice, and with considerable difficulty I have been able to do, and I now submit the matter to the General Assembly with the request that the settlement made shall not be deemed final, but remain open for future adjustment, and that the funds I have deposited in the treasury to meet this amount may not be destroyed, but kept apart to be returned to me should I hereafter be able to show myself entitled to them.

The amount above stated as lost may be increased or diminished, to the extent of a few hundred dollars by the allowance of some claims, or by the correction of some minor errors yet under examination, and the amount paid in will be duly increased if the result of such examinations shall show it to be necessary or proper.

G. H. DUNN.

STATE OF INDIANA, }
Marion County, ss. }

Before me, the undersigned, a notary public, in and for said county, personally appeared George H. Dunn, within named, and made oath that the facts set forth in the within statement, are true to the

best of his knowledge and belief. That the sum stated as lost may be increased a few hundred dollars by further examinations. That he has not himself used the sum above stated as lost, or any part thereof; nor has he any reason to believe that any person in his employ or having access to his funds, has done so. Nor can he account for the loss of the same in any other way than as therein stated.

In testimony whereof I have hereunto set my hand and seal, this 11th day of December, A. D. 1844.

[NOTARIAL SEAL.]

JACOB B. McCHESNEY,
Notary Public.

Copy of a letter from S. P. Mooney, the original of which is filed in the House of Representatives.

I certify that as a member of the committee of ways and means, of the House of Representatives of Indiana, at the last session of the General Assembly, I was engaged with the committee in the discharge of its appropriate duties. Among others, was that of counting and cancelling the various descriptions of treasury notes and scrip that had been redeemed at the treasury. After all that were handed to the committee by the treasurer for that purpose had been counted and cancelled, as supposed, by punching large holes through them, on Saturday previous to the adjournment of the Legislature, I accompanied Doct. Bowles, the chairman of the committee, Mr. G. H. Dunn, then State Treasurer, and other gentlemen, to Mr. Sheets's paper mill; to which place, also, at the same time, was brought, as was intended and believed, in boxes in a wagon, all the various kinds of State paper that had been redeemed and cancelled as above mentioned, for the purpose of being entirely destroyed by the machinery of the paper mill. The treasury notes and other varieties of State scrip were tied up in bundles of various sizes and amounts, differing from the nominal amount of one to five, ten and fifteen thousand dollars, perhaps more. The manner of destroying them was by untying the bundles and scattering the bills upon the surface of the water in the pool, and in which they were carried in contact with the machinery and wheels, which tear paper and rags into atoms.

While engaged in this manner with Doct. Bowles and Mr. Dunn, I discovered that a portion of a bundle, I did not notice if all the of the bills which composed it, and which I had untied, and was throwing into the pool, had not been punched, and immediately called Mr. Dunn's attention to the fact, expressing my belief that there was some mistake. After some little reflection, he replied that he

thought there could be no mistake, and bade me proceed to throw them into the pool, which I did.

The appearance of these bills, according to my recollection, was unsoiled, as if they had not been circulated; which was the case with a large number of the 5 per cent. bank scrip, the quarter of one per cent. treasury notes and canal scrip, that had been counted and cancelled by the committee.

I am decidedly of the opinion, that all the treasury notes and scrip that had been counted by the committee with a view of being destroyed, were punched with holes as above mentioned. Although I did not see it all done myself, for while some were counting, others were engaged in cancelling—but by the arrangement and manner of performing this business, and the care of the committee, there was little or no chance of oversight or mistake on their part.

(Signed) S. P. MOONEY.

Dated Indianapolis Dec. 9th, 1844.

Copy of the statement of Doct. Bowles, the original being filed in the House of Representatives.

I do hereby state, that I was chairman of the committee of ways and means, of the House of Representatives, at its session of 1843–'4, and was present generally at the counting of the treasury notes and scrip, in the Treasurer's office, and believe that very little was counted except when I was present. That the practice was for the members of the committee who were present, as they counted a bundle, to punch round holes through the same, and great care was taken that this shou'd be done as the packages were counted. From the manner in which the business was done, I am satisfied that all the scrip and treasury notes that were counted and certified to by the committee were mutilated in the manner above stated.

I was also present when the committee assembled at the Treasurer's office to remove the paper to the mill for destruction, and the committee waited some little time before the Treasurer got all the bundles out and arranged for removal. I was also present at the mill and saw the paper destroyed, but do not remember to have noticed that any was not punched. I remember the request being made to notice the bundles as opened, to see that all was right; but do not remember whether it was made at the time we commenced or afterwards. There were several members present, and all participated in opening and scattering the paper under the engine.

(Signed) W. A. BOWLES.

On motion by Mr. Buell of Dearborn,

Said communication was referred to the committee on claims; and it was

Ordered, That said committee be authorized to send for persons and papers.

Message from the House, by Mr. Farquhar, their Clerk:

MR. PRESIDENT:

The Speaker of the House of Representatives has signed the following enrolled bills thereof, viz.:

No. 5. An act providing for holding a special term of the Cass circuit court;

No. 14. An act to repeal an act to limit the trustees of Evansville to a certain tax.

All of which I have been instructed to bring to the Senate for the signature of the President.

Whereupon, the President affixed his signature to the said enrolled bills, and they were delivered to the committee on enrolled bills, to be presented to His Excellency, the Governor, for his approbation and signature.

Mr. Akin, from the select committee appointed for that purpose, made the following report:

MR. PRESIDENT:

The select committee to whom was referred the petition of Robert Kirkham and others, citizens of Sullivan county, in relation to changing a county road to a State road, have had that matter under consideration, and have instructed me to report the following bill and request its passage:

No. 45. A bill to change a county road to a State road in Sullivan county;

Which was read a first time and ordered to a second reading.

Mr. Parks, from the select committee appointed for that purpose, made the following report:

MR. PRESIDENT:

The select committee to whom was referred bill No. 2, entitled, "A bill relative to voters in the county of Dearborn," with instructions to make the law general, have had that matter under consideration, and have directed me to report that the said bill be struck out from its enacting clause, and the following be substituted in lieu thereof:

That hereafter no person shall be permitted to vote at any election held in the State of Indiana, except in the township in which such person shall actually reside.

SEC. 2. This act to take effect and be in force from and after its passage.

And also that the title of the bill be changed by striking out all after the word "bill," and insert, in lieu thereof, "to confine voters to their respective townships."

The question then recurred,

Will the Senate concur in the amendment of the committee?

Mr. Morgan of Decatur moved to amend so as to exempt from its operations the county of Decatur.

Mr. Edmonson moved to amend the amendment, so as to exempt the counties of Gibson, Pike, and Dubois;

Which was accepted by the mover.

Mr. Tannehill moved to amend so as to exempt the county of Bartholomew;

Which was accepted.

Mr. Miller moved to amend the amendment so as to exempt the counties of Orange and Crawford;

Which was accepted.

Mr. Farmer moved to amend the amendment so as to exempt the counties of Monroe and Brown;

Which was accepted.

Mr. Henry moved to amend so as to exempt the county of Switzerland;

Which was accepted.

Mr. Read moved to amend so as to exempt the county of Clark;

Which was accepted.

Mr. Alexander moved to amend so as to exempt the county of Hendricks;

Which was accepted.

Mr. Hodge moved to amend so as to exempt the county of Delaware;

Which was accepted.

Mr. Buell of Warren moved to amend so as to exempt the counties of Warren, Benton, White, Jasper, and Pulaski;

Which was accepted.

Mr. Chapman of Laporte moved to amend so as to exempt the county of Lake;

Which was accepted.

Mr. Cotton moved to amend so as to exempt the counties of Perry, Spencer, and Warrick;

Which was accepted.

Mr. Dole moved to amend so as to exempt the county of Vermillion;

Which was accepted.

Mr. Allison moved to amend so as to exempt the counties of Owen and Greene;

Which was accepted.

Mr. Ritchey moved to refer the bill and amendment to the committee on elections, with instructions to define specifically what shall constitute a residence.

Mr. Defrees moved to amend the instructions by adding,

And also that said committee be further instructed to enquire into the expediency of providing greater safeguards against illegal voting;

Which was accepted by the mover.

Mr. Morgan of Rush moved further to instruct the committee to add an additional section to the bill, as follows:

Sec. —. That if any person shall vote out of the township in which he actually resides, contrary to the provisions of this act, such person shall, upon due conviction thereof, in any court of competent jurisdiction, be fined in any sum not less than one nor more than ten dollars.

Which proposed amendment was,

On motion by Mr. Davis,

Laid upon the table.

The question then recurring on the motion of Mr. Ritchey to refer with instructions,

The ayes and noes were desired by two Senators.

Those who voted in the affirmative are,

Messrs. Akin, Alexander, Berry, Bowers, Bradbury, Buell of Warren, Carr, Chapman of Daviess, Chapman of Laporte, Coffin, Defrees, Duzan, Ewing, Goodenow, Herriman, Holloway, Hutton, Jackson, Jones, Kennedy, Lane, Leviston, Logan, Major, Moore, Morgan of Rush, Orth, Pennington, Reyburn, Rippey, Ritchey, Rockhill, Stanford, Tannehill, Todd, and Wood—36.

Those who voted in the negative are,

Messrs. Allison, Buell of Dearborn, Cotton, Davis, Dole, Edmonson, Farmer, Hamer, Henry, Hodge, Miller, Morgan of Decatur, Parks, and Read—14.

So the motion was agreed to.

Mr. Buell of Dearborn, from the select committee to whom the matter was referred, submitted the following report:

Mr. President:

The select committee to whom was referred bill of the Senate No. 16, entitled, "A bill to amend an act entitled, 'an act to incorporate the Lawrenceburgh and Napoleon Turnpike Company,' approved Feb. 18, 1840," have directed me to report the same back, with one amendment, and ask its passage.

Strike out of the first section all after the word "therefore."

The report of the committee was then concurred in, the bill, as amended, read a second time, and ordered to be engrossed.

Mr. Todd, from the select committee appointed to consider the subject, made the following report:

Mr. President:

The select committee to whom was referred bill of the Senate No. 20, entitled, "An act to authorize the board of commissioners of Marion county to settle with John Elder, late surplus revenue agent, and for other purposes," with directions to report thereon, showing the facts in the case, having had that matter under consideration, beg leave to report the said bill back to the Senate, without alteration, together with the accompanying letter received by them from the auditor of said county of Marion, exhibiting all the necessary information.

The bill having been read a second time,

Mr. Chapman of Laporte moved to refer said bill to the committee on the judiciary, with instructions to report a bill authorizing a suit or suits to be brought against John Elder and his securities, by the proper person or persons.

Mr. Stanford moved to amend the instructions by requiring the committee to add to such bill as follows:

"*Provided*, That nothing in this act shall be so construed as to release the county of Marion from accountability to the State, of any part of the trust funds confided to said county;"

Which was agreed to.

The bill was then so referred.

Mr. Orth, from the select committee appointed for that purpose, made the following report:

Mr. President:

The Senate was pleased to submit to me bill of the Senate No. 30, entitled, "A bill to regulate the pay of grand and petit jurors," for the purpose of incorporating the various amendments, and reducing the sections to proper method. I have endeavored to discharge the duty assigned to me, and herewith report the bill, embodying the amendments as directed by the instructions of the Senate.

The bill was then read for information, and ordered to be engrossed for a third reading.

Mr. Edmonson submitted the following resolution:

Resolved, That the Treasurer of State be requested to report at as early a day as practicable, whether or not there is any report on file in his office, showing the action of the commissioner appointed by an act of the General Assembly, approved February 17, 1838, to sell the northwest quarter of section twenty-six, in township one north, of range 5 west, sold as saline land in Dubois county;

Which was adopted.

On motion by Mr. Farmer,

Resolved, That the Secretary of State furnish the Senate with a detailed statement of the cost of paper, printing, binding, and distri-

bution of the Revised Statutes of 1843; and also the manner in which the contract for the paper was made, and his agency in the same, together with such other explanation as he may think proper to make.

On motion by Mr. Buell of Warren,

Resolved, That the committee on roads be instructed to enquire into the expediency of amending the law on that subject, so as to allow county auditors longer time to make out a list of the road tax for the use of supervisors.

On motion by Mr. Stanford,

Resolved, That the committee on finance be directed to enquire into the expediency of so amending the 73d section of the 7th chapter of the 4th article, of the Revised Code of 1843, that county treasurers elect may have until the 25th day of August, succeeding their election, to give bonds.

On motion by Mr. Moore,

Resolved, That the committee on the judiciary be instructed to enquire into the expediency of so amending the 15th section of the 8th chapter of the Revised Code of 1843, as to exempt recorders from the penalty therein provided, when their fees have not been paid.

Mr. Read moved to suspend the order of business, and take up the message of the House;

Which was agreed to.

A message from the House by Mr. Farquhar, their Clerk:

MR. PRESIDENT:

The House has reciprocated the resolution of the Senate, proposing to go into the election of circuit judges on to-morrow, at ten o'clock, A. M., with the following amendment thereto:

Insert before the word "Judges" "a United States Senator," and at the close of the resolution add the following:

"Which several elections shall have precedence in the order they stand arranged, and shall be continued from day to day until said Senator and Judges are chosen; and the manner of choosing United States Senator shall be by *viva voce;* and said election shall be by the vote of both Houses, in joint convention, in this Hall, as such elections have heretofore been conducted."

In which amendment the concurrence of the Senate is requested.

Mr. Defrees moved a call of the Senate;

Which was ordered.

The Secretary proceeded to call the roll of the members, and reported the absentees; whereupon,

On motion by Mr. Defrees,

The absentees were sent for.

Mr. Todd moved that the Senate adjourn.

The ayes and noes being desired by two Senators,

Those who voted in the affirmative are,

Messrs. Alexander, Buell of Warren, Defrees, Orth, Reyburn, and Todd—6.

Those who voted in the negative are,

Messrs. Akin, Allison, Berry, Bowers, Bradbury, Buell of Dearborn, Carr, Chapman of Daviess, Chapman of Laporte, Coffin, Cotton, Dole, Duzan, Edmonson, Ewing, Farmer, Goodenow, Hamer, Henry, Herriman, Hodge, Hutton, Jones, Kennedy, Lane, Leviston, Logan, Major, Miller, Moore, Morgan of Decatur, Morgan of Rush, Parks, Pennington, Read, Rippey, Ritchey, Rockhill, Stanford, Tannehill, and Wood—41.

So the Senate refused to adjourn.

On motion by Mr. Defrees,

The further call of the Senate was suspended, the message was taken up, and read.

On motion by Mr. Read,

Ordered, That said message do lie upon the table.

A message from the House by Mr. Farquhar, their clerk:

MR. PRESIDENT:

The House has passed, without amendment, engrossed bill of the Senate,

No. 8. An act to repeal an act entitled, "An act to incorporate the Terre Haute Draw-Bridge Company," approved Jan. 15, 1844.

The House has also passed engrossed bills thereof, entitled as follows:

No. 9. An act to change the name of the town of Palestine to that of Poseyville;

No. 27. An act for the relief of Jacob Aughee, of Warren county;

In which I am directed to ask the concurrence of the Senate.

House bill No. 9, mentioned in the foregoing message, was then read the first time and ordered to a second reading.

House bill No. 27, contained in the foregoing message, was then read a first time and ordered to a second reading.

On motion by Mr. Buell of Warren,

The rule of the Senate was suspended, the bill read a second time, and referred to the committee on education.

Mr. Ritchey submitted the following resolution:

Resolved, That the Senate will, the House concurring therein, proceed on to-morrow, at two o'clock, P. M., in the Hall of the House of Representatives, to the election of President Judges in the first, second, and third judicial circuits, and of Secretary of State.

Mr. Defrees moved to adjourn;
And the ayes and noes being desired by two Senators,

Those who voted in the affirmative are,

Messrs. Alexander, Davis, Defrees, Hamer, Morgan of Rush, Orth, Reyburn, and Todd—8.

Those who voted in the negative are,

Messrs. Akin, Allison, Berry, Bowers, Bradbury, Buell of Dearborn, Buell of Warren, Carr, Chapman of Daviess, Chapman of Laporte, Coffin, Cotton, Dole, Duzan, Edmonson, Ewing, Farmer, Goodenow, Henry, Herriman, Hodge, Hutton, Jackson, Jones, Kennedy, Lane, Leviston, Logan, Major, Miller, Moore, Morgan of Decatur, Pennington, Read, Rippey, Ritchey, Rockhill, Stanford, Tannehill, and Wood—40.

So the Senate refused to adjourn,

Mr. Chapman moved to amend by striking out "and Secretary of State;"

To which the mover of the resolution agreed.

Mr. Orth moved a call of the Senate;

Which was ordered.

The roll of the Senate having been called over by the Secretary, and the list of absentees reported,

On motion by Mr. Defrees,

The absentees were sent for;

And having appeared,

On motion by Mr. Ritchey,

The further call was suspended.

Mr. Orth moved to amend the resolution by striking out all after the word "resolved," and insert in lieu thereof:

"That the Senate will, the House concurring therein, proceed to the election of an United States Senator and President Judges of the first, second, and third judicial circuits, on to-morrow, at two o'clock, P. M., in the Hall of the House of Representatives; which several elections shall take precedence in the order they stand arranged, and be continued from day to day, until said Senator and Judges are chosen. Said election shall be by the vote of both Houses in joint convention, as such elections have heretofore been conducted."

On motion by Mr. Buell of Dearborn,

The Senate adjourned.

2 *o'clock, P. M.*

The Senate assembled.

The Senate resumed the consideration of Mr. Orth's amendment to the resolution of Mr. Ritchey, to strike out said resolution from the resolving clause, and insert a substitute in lieu thereof.

Mr. Herriman called for a division of the question;

And on the question of striking out,

The ayes and noes were desired by two Senators.

Those who voted in the affirmative are,

Messrs. Alexander, Allison, Bowers, Bradbury, Buell of Warren, Coffin, Cotton, Davis, Defrees, Dole, Ewing, Farmer, Goodenow, Hamer, Henry, Hodge, Holloway, Moore, Morgan of Decatur, Morgan of Rush, Orth, Pennington, Reyburn, Stanford, and Todd —25.

Those who voted in the negative are,

Messrs. Akin, Berry, Buell of Dearborn, Carr, Chapman of Daviess, Chapman of Laporte, Duzan, Edmonson, Herriman, Hutton, Jackson, Jones, Kennedy, Lane, Leviston, Logan, Major, Miller, Parks, Read, Rippey, Ritchey, Rockhill, Tannehill, and Wood—25.

The President gave the casting vote in the negative;

And so the resolution was not so stricken out.

Mr. Ewing moved to lay the resolution on the table.

The ayes and noes being desired by two Senators,

Those who voted in the affirmative are,

Messrs. Alexander, Allison, Bowers, Bradbury, Buell of Warren, Coffin, Cotton, Davis, Defrees, Dole, Ewing, Farmer, Goodenow, Hamer, Hodge, Holloway, Moore, Morgan of Decatur, Morgan of Rush, Orth, Pennington, Reyburn, Stanford, and Todd—24.

Those who voted in the negative are,

Messrs. Akin, Berry, Buell of Dearborn, Carr, Chapman of Daviess, Chapman of Laporte, Duzan, Edmonson, Henry, Herriman, Hutton, Jackson, Jones, Kennedy, Lane, Leviston, Logan, Major, Miller, Parks, Read, Rippey, Ritchey, Rockhill, Tannehill, and Wood —26.

And so the motion was disagreed to.

Mr. Read moved to refer the resolution to the committee on the judiciary, with instructions to report a bill governing said elections;

Which was agreed to.

Mr. Herriman submitted the following resolution:

Resolved, That the use of this house be tendered to M. R. Hull, to deliver an Anti-Slavery and Anti-"Native American" lecture, at early candle-lighting this evening.

The ayes and noes being desired by two Senators,

Those who voted in the affirmative are,

Messrs. Berry, Buell of Dearborn, Duzan, Henry, Herriman, Hodge, Jackson, Lane, Leviston, Major, Stanford, Tannehill, and Wood—13.

Those who voted in the negative are,

Messrs. Akin, Alexander, Allison, Bowers, Bradbury, Buell of Warren, Carr, Chapman of Daviess, Chapman of Laporte, Coffin, Cotton, Davis, Defrees, Dole, Edmonson, Ewing, Farmer, Goodenow, Hamer, Holloway, Hutton, Jones, Kennedy, Logan, Miller, Moore, Morgan of Decatur, Morgan of Rush, Orth, Parks, Pennington, Read, Reyburn, Rippey, Ritchey, Rockhill, and Todd—37.

So the resolution was disagreed to.

On motion by Mr. Miller,

The Senate adjourned.

FRIDAY MORNING, December 13, 1844.

The Senate assembled.

The Journal of the preceding day was read.

The President laid before the Senate the reply of the State Treasurer to a resolution of the Senate, asking for information with regard to forged and altered treasury notes, as follows:

Treasurer's Office,
Indianapolis, Dec. 12, 1844.

Hon. J. D. Bright,

President of the Senate:

I have received the resolution of the Senate, of yesterday, requesting the Treasurer of State "to furnish the Senate, at as early a day as may be convenient, a statement of the amount of forged or altered treasury notes received by him before discovery, and the amount offered at his office since the discovery of the fraud," &c.

In responding to this resolution, I beg permission to state, that the large amount of treasury notes on hand, which it would be necessary to examine, would require a period of about two weeks, in the opinion of the undersigned, for the reason that many of these alterations are so neatly done, and difficult to detect, that the examination would be slowly performed. We were not satisfied, at this office, of these alterations, until all the assorting, and nearly all the cancelling, of scrip on the registers, had been performed; otherwise the altered notes discovered would have been separated and kept distinguished. I am of the opinion, however, from the suspicions that occasionally arose, and which led to the detection, that the amount of such altered notes does not exceed one thousand dollars—and I should judge less. The amount of loss would be the interest, which, on a thousand dollars, would be about two hundred and twelve dollars. I would here remark, that while this fraud has been practised, and loss of interest sustained, other notes bearing interest have been paid in and cancelled, without charge of interest to the State. Not having any suspicion that any person engaged in the collection of the revenue had any knowledge of the fraud, until discovered at this office, I had supposed that no just course could be pursued as to the notes on hand, but to cancel them as though they were genuine. These notes were principally received by my predecessor, as most of the revenue of 1843 was paid to him; a small portion was received by me after I took possession of the office. Since the discovery of the fraud, I have not known of but three or four bills presented at this office; it has been at a time, however, when a very small quantity of the six per cent. scrip has been paid. Hoping this may be satisfactory,

I am, very respectfully,

Your obedient servant,

R. MAYHEW.

The President also laid before the Senate the following communication from the Treasurer of State:

Treasurer's Office,
Indianapolis, Dec. 13, 1844.

Hon. Jesse D. Bright,

President of the Senate:

In reply to the Senate's resolution of yesterday, making enquiry "whether there is any report on file in this office, showing the action of the commissioner appointed by an act of the General Assembly, approved February 17, 1838, to sell the northwest quarter of section

twenty-six, in township number one north, of range five west, sold as saline land in Dubois county,"

Permit me to state, that I can find no report in this office of the nature mentioned in the resolution.

I have the honor to be, respectfully,

Your obedient servant,

R. MAYHEW.

Which,

On motion by Mr. Edmonson,

Was referred to a select committee.

Ordered, That the committee consist of Messrs. Edmonson, Henry, and Jones.

Message from the House, by Mr. Farquhar, their Clerk:

MR. PRESIDENT:

The House has adopted the following resolution:

Resolved, That the House will, the Senate concurring therein, adjourn *sine die* on Monday, the 13th day of January next.

In which the concurrence of the Senate is requested.

Mr. Chapman of Laporte moved to reciprocate the resolution of the House, contained in the foregoing message, with an amendment, by striking out the words "13th of January," and insert, in lieu thereof, "20th of December instant."

Mr. Ewing moved to lay the resolution and proposed amendment on the table.

The ayes and noes being desired by two Senators,

Those who voted in the affirmative are,

Messrs. Alexander, Bradbury, Buell of Warren, Chapman of Laporte, Coffin, Cotton, Defrees, Ewing, Farmer, Hamer, Hodge, Holloway, Morgan of Rush, Orth, Reyburn, Stanford, and Todd —17.

Those who voted in the negative are,

Messrs. Akin, Allison, Berry, Bowers, Carr, Chapman of Daviess, Davis, Dole, Duzan, Edmonson, Goodenow, Henry, Herriman, Hutton, Jackson, Jones, Kennedy, Lane, Leviston, Logan, Major, Miller, Moore, Morgan of Decatur, Parks, Pennington, Read, Rippey, Ritchey, Rockhill, Tannehill, and Wood—32.

So the motion to lay on the table was disagreed to.

The question then recurring on the motion of Mr. Chapman,

The ayes and noes were desired by two Senators.

Those who voted in the affirmative are,

Messrs. Bowers, Bradbury, Buell of Warren, Chapman of Laporte, Coffin, Davis, Defrees, Duzan, Ewing, Farmer, Goodenow, Hamer, Henry, Hodge, Holloway, Hutton, Jones, Logan, Moore, Morgan of Decatur, Morgan of Rush, Orth, Reyburn, Stanford, and Todd—25.

Those who voted in the negative are,

Messrs. Akin, Alexander, Allison, Berry, Buell of Dearborn, Carr, Chapman of Daviess, Cotton, Dole, Edmonson, Herriman, Jackson, Kennedy, Lane, Leviston, Major, Miller, Parks, Pennington, Read, Rippey, Ritchey, Rockhill, Tannehill, and Wood—25.

The Senate being equally divided,

The President gave the casting vote in the negative;

And so the resolution was not so amended.

Mr. Ritchey moved to reciprocate the resolution of the House.

Mr. Defrees moved to postpone the further consideration of the subject until the 25th instant.

And the ayes and noes being desired by two Senators,

Those who voted in the affirmative are,

Messrs. Alexander, Bradbury, Buell of Warren, Chapman of Laporte, Coffin, Cotton, Davis, Defrees, Dole, Farmer, Goodenow, Henry, Hodge, Holloway, Hutton, Moore, Morgan of Decatur, Morgan of Rush, Orth, Pennington, Reyburn, Rockhill, Stanford, and Todd—24.

Those who voted in the negative are,

Messrs. Akin, Allison, Berry, Bowers, Buell of Dearborn, Carr, Chapman of Daviess, Duzan, Edmonson, Ewing, Hamer, Herriman, Jackson, Jones, Kennedy, Lane, Leviston, Logan, Major, Miller, Parks, Read, Rippey, Ritchey, Tannehill, and Wood—26.

So the motion was disagreed to.

Mr. Chapman of Laporte moved to amend said resolution by striking out "thirteenth," and inserting, in lieu thereof, "twentieth."

Mr. Herriman called for a division of the question;

And the question being,

Shall the word "thirteenth" be stricken out?

The ayes and noes were desired by two Senators.

Those who voted in the affirmative are,

Messrs. Bowers, Buell of Warren, Chapman of Laporte, Coffin, Cotton, Defrees, Dole, Ewing, Hodge, Hutton, Moore, Morgan of Rush, Orth, Pennington, Reyburn, Rippey, and Todd—17.

Those who voted in the negative are,

Messrs. Akin, Alexander, Allison, Berry, Bradbury, Buell of Dearborn, Carr, Chapman of Daviess, Davis, Duzan, Edmonson, Farmer, Goodenow, Hamer, Henry, Herriman, Holloway, Jackson, Jones, Kennedy, Lane, Leviston, Logan, Major, Miller, Morgan of Decatur, Parks, Read, Ritchey, Rockhill, Stanford, Tannehill, and Wood—33.

So the motion to strike out was disagreed to.

Mr. Ewing moved to strike out "thirteenth," and insert "first;"

Which was decided by the President to be out of order.

The question then recurring upon the motion to concur in the resolution of the House,

The ayes and noes were desired by two Senators.

Those who voted in the affirmative are,

Messrs. Akin, Allison, Berry, Buell of Dearborn, Carr, Chapman of Daviess, Duzan, Edmonson, Herriman, Jackson, Jones, Kennedy, Lane, Leviston, Logan, Major, Miller, Parks, Read, Rippey, Ritchey, Rockhill, Stanford, Tannehill, and Wood—25.

Those who voted in the negative are,

Messrs. Alexander, Bowers, Bradbury, Buell of Warren, Chapman of Laporte, Coffin, Cotton, Davis, Defrees, Dole, Ewing, Farmer, Goodenow, Hamer, Henry, Hodge, Holloway, Hutton, Moore, Morgan of Decatur, Morgan of Rush, Orth, Pennington, Reyburn, and Todd—25.

The President gave the casting vote in the affirmative;

And so the resolution of the House was concurred in.

Mr. Buell of Dearborn moved to reconsider the vote just taken upon concurring;

But afterwards withdrew his motion.

Mr. Stanford moved to reconsider said vote;

And, on the question of a reconsideration,

The ayes and noes were desired by two Senators.

Those who voted in the affirmative are,

Messrs. Alexander, Bowers, Bradbury, Buell of Warren, Chapman of Laporte, Coffin, Cotton, Davis, Defrees, Dole, Ewing, Farmer, Goodenow, Henry, Hodge, Holloway, Hutton, Moore, Morgan of Decatur, Morgan of Rush, Orth, Pennington, Read, Reyburn, Stanford, and Todd—26.

Those who voted in the negative are,

Messrs. Akin, Allison, Berry, Buell of Dearborn, Carr, Chapman of Daviess, Duzan, Edmonson, Hamer, Herriman, Jackson, Jones, Kennedy, Lane, Leviston, Logan, Major, Miller, Parks, Rippey, Ritchey, Rockhill, Tannehill, and Wood—24.

So the vote was reconsidered.

Mr. Pennington moved to lay the resolution on the table;

And the ayes and noes being desired by two Senators,

Those who voted in the affirmative are,

Messrs. Alexander, Bradbury, Bowers, Buell of Warren, Chapman of Laporte, Coffin, Cotton, Davis, Defrees, Dole, Ewing, Farmer, Goodenow, Hamer, Henry, Hodge, Holloway, Hutton, Moore, Morgan of Decatur, Morgan of Rush, Orth, Pennington, Reyburn, Stanford, and Todd—26.

Those who voted in the negative are,

Messrs. Akin, Allison, Berry, Buell of Dearborn, Carr, Chapman of Daviess, Duzan, Edmonson, Herriman, Jackson, Jones, Kennedy, Lane, Leviston, Logan, Major, Miller, Parks, Read, Rippey, Ritchey, Rockhill, Tannehill, and Wood—24.

So the motion was agreed to, and the resolution ordered to lie upon the table.

Message from the House by Mr. Farquhar, their Clerk.

MR. PRESIDENT:

The House has passed with one amendment, engrossed bill of the Senate,

No. 7. A bill to extend the time of holding probate courts in the counties of Washington, Ripley and Jefferson.

In which the concurrence of the Senate is respectfully requested.

The House has also passed, without amendment, engrossed bills of the Senate, as follows:

No. 24. An act for the relief of Wilson McConnell, of Elkhart county;

No. 28. An act to amend an act entitled, an act to locate a State road in Sullivan and Greene counties, approved January 15, 1844;

Bill No. 7, mentioned in the foregoing message, with the amendment, was,

On motion by Mr. Logan,

Ordered to lie on the table.

Mr. Chapman of Daviess, presented the petition of Martin Fitzpatrick, of the county of Daviess, praying the passage of an act for his relief, and moved to refer said petition to the committee on claims;

Which was agreed to.

Mr. Goodenow presented the petition of sundry citizens of the counties of Marion, Johnson, Switzerland, Jefferson, Washington, and Clark, on the subject of the re-charter of Hanover college;

Which he moved to lay on the table,

And the motion was agreed to.

Mr. Lane, chairman of the committee on claims, on behalf of the committee, submitted the following report:

MR. PRESIDENT:

The committee on claims, to whom was referred bill of the Senate, No. 3, entitled "a bill supplemental to an act for the relief of Nathan Burchfield, approved February 11, 1843," have had the same under consideration, and directed me to report the same back to the Senate with one amendment, and recommend its passage;

Strike out from the enacting clause, and insert,

That the above entitled act shall be so construed as to authorize the Auditor of State to issue his warrant upon the Treasurer of State for the amount of costs charged against the State by the clerk of the Parke circuit court, provided the same shall not exceed fourteen dollars; out of which sum the witnesses' fees in said case shall be paid.

Whereupon the amendment of the committee was concurred in.

The bill having been read a second time,

Was ordered to be engrossed.

Mr. Pennington, from the committee on claims, submitted the following report:

MR. PRESIDENT:

The committee on claims, to whom was referred the petition of John Dumont, prosecuting attorney of the 3d judicial circuit, have had under consideration the petition referred to, and a majority of said committee have instructed me to report, that the said John Dumont be allowed the sum of seventeen dollars and fifty cents, in the specific appropriation bill that shall be passed during the present session of the General Assembly.

Mr. Buell of Dearborn, moved to re-commit the petition of John Dumont to the judiciary committee.

Mr. Ewing moved to instruct the committee to inquire into the legality of allowing to the substitute prosecuting attorney $2,50 in each criminal case attended to unsuccessfully by him, and $5 in each

such case as led to a conviction of the crime charged; and allow to the regular prosecutor his legal salary;

Which was disagreed to.

The motion to re-commit was then agreed to.

Mr. Read moved to take from the table the message of the House, containing a resolution as follows:

Resolved, That the House will, the Senate concurring therein, adjourn *sine die* on Monday the 13th day of January next.

Mr. Chapman of Laporte,

Moved a call of the Senate,

Which was ordered.

The Secretary having gone through with the roll of the Senate;

The Senators were all present.

Mr. Stanford rose to a point of order,

And the President decided the motion to take the resolution from the table to be out of order.

Mr. Read then moved to suspend the order of business, and take up the resolution:

Which was disagreed to.

Mr. Morgan of Rush, from the select committee to whom the matter was referred, submitted the following report:

MR. PRESIDENT:

The select committee to whom was referred a resolution of the Senate, instructing them to inquire into the expediency of so amending the 8th chap. of the Revised Statutes of 1843, as better to secure the fees of recorders, have had that subject under consideration, and have instructed me to report the following bill, and respectfully recommend its passage:

No. 46. A bill supplemental to the 8th chapter of the Revised Statutes, prescribing the duties of county recorders;

Which was read a first time and ordered to a second reading.

Mr. Rockhill, from the select committee to whom the subject was referred, made the following report:

MR. PRESIDENT:

The select committee to whom was referred the petition of sundry citizens of Wells and Adams counties, on the subject of incorporating a Presbyterian church, have had that subject under consideration, and have directed me to report a bill, and recommend its passage.

No. 47. A bill to incorporate a Presbyterian church in Wells county;

Which was read and ordered to a second reading.

Mr. Rockhill, from the select committee to whom the subject was referred, submitted the following report:

MR. PRESIDENT:

The select committee to whom was referred the petition of George W. Wood, on the subject of ratifying the proceedings of the common council of the city of Fort Wayne, have had that subject under consideration, and have directed me to report a bill, and recommend its passage.

No. 48. A bill to ratify the proceedings of the common council of the city of Fort Wayne;

Which was read and ordered to a second reading.

Mr. Ewing moved to suspend the rule of the Senate and read the bill a second time now;

Which was disagreed to.

Mr. Duzan, from the joint committee on enrolled bills, submitted the following report:

MR. PRESIDENT:

The committee on enrolled bills have compared the following enrolled with the engrossed bills of the House of Representatives, and find the same correctly enrolled, viz:

No. 5. An act providing for a special term of the Cass circuit court;

No. 14. An act to repeal an act to limit the trustees of Evansville to a certain tax.

Mr. Duzan, from the joint committee on enrolled bills, submitted the following report:

MR. PRESIDENT:

The joint committee on enrolled bills did, on the 12th instant, present to his Excellency the Governor, for his approbation and signature, an enrolled bill of the House of Representatives, entitled,

No. 5. An act providing for a special term of the Cass circuit court.

Mr. Duzan, from the joint committee on enrolled bills, submitted the following report:

MR. PRESIDENT:

The joint committee on enrolled bills did, on the 13th instant, present to his Excellency the Governor, for his approval, the following enrolled bill of the House of Representatives, namely:

No. 14. An act to repeal an act to limit the trustees of Evansville to a certain tax.

Mr. Carr moved to re-consider the vote taken on the resolution in relation to the Governor's message, as follows:

Resolved, That 500 copies of the annual message of his Excellency the Governor be printed in the German language, for the use of the Senate:

Which was agreed to.

Mr. Tannehill moved to amend the resolution, by striking out 500 and inserting 250;

Which was not agreed to.

Mr. Chapman of Laporte, moved to amend, by adding,

To be procured by the door-keeper, at the lowest price at which they can be had in the city of Indianapolis.

Mr. Davis moved to amend the amendment by adding, in its proper place, "and 250 copies thereof in the French language."

Mr. Ewing moved to lay the resolution and pending amendments on the table.

The ayes and noes being desired by two Senators,

Those who voted in the affirmative are,

Messrs. Alexander, Allison, Bowers, Bradbury, Buell of Warren, Coffin, Cotton, Davis, Defrees, Dole, Ewing, Farmer, Goodenow, Hamer, Henry, Hodge, Holloway, Moore, Morgan of Decatur, Morgan of Rush, Pennington, Reyburn, Stanford, Tannehill, and Todd —25.

Those who voted in the negative are,

Messrs. Akin, Berry, Buell of Dearborn, Carr, Chapman of Daviess, Chapman of Laporte, Duzan, Edmonson, Herriman, Hutton, Jackson, Jones, Kennedy, Lane, Leviston, Logan, Major, Miller, Orth, Parks, Read, Rippey, Ritchey, Rockhill, and Wood—25.

The President gave the casting vote in the negative.

And so the resolution and pending amendments did not lie upon the table.

The question then recurring on the motion to amend the amendment,

The ayes and noes being desired by two Senators,

Those who voted in the affirmative are,

Messrs. Akin, Allison, Buell of Warren, Coffin, Davis, Defrees, Dole, Ewing, Farmer, Herriman, Holloway, Logan, Moore, Morgan of Decatur, Reyburn, and Rockhill—16.

Those who voted in the negative are,

Messrs. Alexander, Berry, Bowers, Bradbury, Buell of Dearborn, Carr, Chapman of Daviess, Chapman of Laporte, Cotton, Duzan, Edmonson, Goodenow, Hamer, Henry, Hodge, Hutton, Jackson, Jones, Kennedy, Lane, Leviston, Major, Miller, Morgan of Rush, Orth, Parks, Pennington, Read, Rippey, Ritchey, Stanford, Tannehill, Todd, and Wood—34.

And so the motion was disagreed to.

Mr. Defrees moved to amend the amendment by adding, "and that 500 copies thereof be printed in the original, unadulterated, Irish language."

Mr. Ewing moved to lay upon the table the resolution and pending amendments; but afterwards withdrew his motion.

On motion by Mr. Davis,

The Senate adjourned.

2 o'clock, P. M.

The Senate assembled.

Mr. Cotton moved to suspend the order of business, to enable him to offer some resolutions;

Which was agreed to; and,

Mr. Cotton submitted the following preamble and resolutions:

WHEREAS, the Hon. Ratliff Boone, an honored and faithful public servant of the people of Indiana, for many years, and formerly a distinguished member, and presiding officer of this Senate, has departed this life;—Therefore,

Resolved, unanimously, That the Senate have heard with deep regret, the melancholy intelligence of the death of the Hon. Ratliff Boone:

Resolved, unanimously, That the Senate entertain the highest respect for the memory of the Hon. Ratliff Boone, and will cherish an enduring recollection of his abilities—his patriotic and eminent public services:

Resolved, unanimously, That the Senate tender the assurances of their sympathy to the family of the deceased, in the irreparable loss they have sustained by his lamented death:

Resolved, unanimously, That the Secretary notify the House of Representatives of the adoption of these resolutions, and that the President of the Senate be requested to cause an attested copy thereof to be transmitted to the family of the deceased:

Resolved, unanimously, That the Senate, in token of their respect for the memory of the Hon. Ratliff Boone, do now adjourn.

And thereupon the Senate adjourned.

SATURDAY MORNING, DECEMBER 14, 1844.

The Senate assembled.

The Journal of the preceding day was read.

The President laid before the Senate the following communication from the Secretary of State:

SECRETARY OF STATE'S OFFICE,
Indianapolis, 13th December, 1844.

The undersigned, in obedience to a resolution of the Senate of yesterday, requiring him to report to the Senate "the cost of the paper, printing, binding, and distribution of the Revised Statutes of 1843; and also the manner in which the contract for paper was made, and his agency in the same, together with such other explanation as he may think proper to make," respectfully reports, that not having in his office any documents which would enable him to give the desired information, he applied to the Auditor of Public Accounts for permission to examine the files of his office, from which he is enabled to furnish the following statement.

That there were purchased, and used in the printing of said Statutes, between April, 1842, and November, 1843, one thousand three hundred and ninety reams of large royal book paper, at six dollars per ream, amounting to eight thousand three hundred and forty dollars; that printing the same was four thousand and forty-six dollars and forty-three cents; that the binding, including the pressing of the sheets, was five thousand one hundred and twenty-nine dollars and forty-nine cents; and that the distribution amounted to seven hundred and fifty-five dollars and eighty-two cents,—making the entire cost of the work, exclusive of compensation to the Revisors and their clerks, eighteen thousand two hundred and seventy-one dollars and seventy-four cents. The foregoing, it is believed, furnishes a full answer to the first part of the resolution.

In answer to the second part of the resolution, "requiring the undersigned to report the manner in which the contract for stationery was made, &c.," he would respectfully state, that early in the Spring of 1842, a contract for the paper used in printing the Revised Statutes was made by the late Auditor and Treasurer of State, with the Indianapolis Paper Mill Company, of which the undersigned is a member; that payment therefor was made from time to time as the paper was delivered, partly in Treasury notes of the various issues, mostly the quarter per cent.; partly in par funds, and partly in Water rents which were payable in Treasury notes; these were at the time of their receipt, as is well known, greatly under par. It was not sup-

posed when the contract for this paper was entered into, that the quantity would exceed one half of the amount actually used, the volume being larger than was anticipated, and the number of copies ordered by the Legislature greatly exceeding the quantity usually printed. It was thought by the officers giving the contract, that in as much as the proprietors of the Paper Mill at this place were paying an annual Water rent to the State, of nine hundred dollars, it would be but an act of justice to give them the contract, excluding them, however, from any participation in the contract for the paper used in the ordinary printing of 1842, which was afterwards extended to the year 1843, in consequence of the quantity of paper for the Revised Statutes being larger than was expected. Taking into consideration the value of the funds in which the paper was paid for, the price realized for it was but a fair one, and not higher than that received from individuals for the same quality of paper; as, for instance, the paper used in the fifth volume of Blackford's Reports, for which the author paid the Company, about the same time, $5 25 per ream in par funds. There has been, within the last year or two, however, a very great depreciation in the price of paper, as also in the raw material.

The undersigned did not act on the board in making this contract, nor has he acted in making any contract for stationery since he has been in office. In 1841, soon after his election, from motives of personal delicacy, (being interested in the paper mill at this place,) he declined, by a letter addressed to the Auditor and Treasurer, any agency in awarding contracts for stationery—upon which principle he has ever since acted.

The undersigned is gratified that the terms of the resolution have afforded him the opportunity of making the foregoing statement, it having been asserted, perhaps inadvertently, that the Secretary of State is invested with the sole power of making all contracts for stationery.

The undersigned, having been informed that some of the counties have not been supplied with a sufficient number of the Revised Statutes under the law authorizing their distribution, would respectfully suggest the propriety of making some general provision of law on the subject; as also a provision to booksellers and others in trade, that they be sold at two dollars per copy, that being about the actual cost. There are undisposed of about three thousand copies.

Respectfully submitted,

WM. SHEETS.

Mr. Rippey presented the petition of Samuel Pegg and others, citizens of the county of Whitley, praying for a special term of the Whitley circuit court;

Which was read, and,

On motion by Mr. Rippey,

Was referred to a select committee.

Ordered, That said committee be composed of Messrs. Rippey, Duzan, and Pennington.

Mr. Rockhill presented the petition of James Hinton and others, citizens of the county of Allen, praying the location of a State road therein described;

Which was read, and,

On motion by Mr. Rockhill,

Was referred to a select committee.

Ordered, That said committee be composed of Messrs. Rockhill, Herriman, and Kennedy.

Mr. Wood presented the petition of Abraham Adamson and others, citizens of the county of Randolph, praying for the passage of an act to extend the time of holding the commissioners' court in said county;

On motion by Mr. Wood,

The said petition was referred to a select committee.

Ordered, That the committee consist of Messrs. Wood, Tannehill, and Leviston.

Mr. Chapman of Laporte, chairman of the committee on the judiciary, submitted the following report:

MR. PRESIDENT:

The committee on the judiciary, to whom was referred bill of the Senate No. 20, entitled, "A bill to authorize the board of commissioners of Marion county to settle with John Elder, late surplus revenue agent, and for other purposes," have had the same under consideration, and have directed me to report the same back, without amendments, and recommend its passage.

Ordered, That the said bill be engrossed.

Mr. Chapman of Laporte, chairman of the committee on the judiciary, submitted the following report:

MR. PRESIDENT:

The committee on the judiciary, to whom was referred resolution of the Senate, relative to recorders, have had the same under consideration, and have directed me to report that it is inexpedient to legislate thereon.

Ordered, That the report of the committee be concurred in.

Mr. Chapman, chairman of the committee on the judiciary, made the following report:

MR. PRESIDENT:

The committee on the judiciary, to whom was referred the petition of E. B. Crocker and other citizens of St. Joseph county, praying for the repeal of certain laws relating to blacks and mulattoes, and for other purposes, have had the same under consideration, and have directed me to report that it is inexpedient to legislate upon those subjects.

Ordered, That the report of the committee be concurred in.

Mr. Chapman of Laporte, chairman of the committee on the judiciary, submitted the following report:

MR. PRESIDENT:

The committee on the judiciary, to whom was referred bill of the Senate No, 22, "A bill to enable circuit courts to consolidate indictments in cases of misdemeanors," have had the same under consideration, and have directed me to report the same back and recommend its indefinite postponement.

Ordered, That the bill be indefinitely postponed.

Mr. Chapman of Laporte, chairman of the committee on the judiciary, submitted the following report:

MR. PRESIDENT:

The committee on the judiciary, to whom was referred bill of the Senate No. 19, "A bill relative to the county treasurer of Dubois county," have had the same under consideration, and have directed me to report the same back, without amendment, and recommend its passage.

Ordered, That the said bill be engrossed.

Mr. Chapman of Laporte, chairman of the committee on the judiciary, submitted the following report:

MR. PRESIDENT:

The committee on the judiciary, to whom was referred bill of the Senate No. 18, "A bill providing for the payment of jurors and supervisors in the county of Franklin," have had the same under consideration, and have directed me to report the same back and recommend its indefinite postponement.

Ordered, That said bill be indefinitely postponed.

Mr. Chapman of Laporte, chairman of the committee on the judiciary, submitted the following report:

MR. PRESIDENT:

The committee on the judiciary, to whom was referred bill of the Senate No. 14, "A bill to legalize certain proceedings therein named," have had the same under consideration, and have directed me to report the same back, without amendment, and recommend its passage.

Ordered, That the bill be engrossed.

Mr. Chapman of Laporte, chairman of the committee on the judiciary, submitted the following report:

MR. PRESIDENT:

The committee on the judiciary, to whom was referred resolution of the Senate on the subject of the appointment of commissioners to appraise the personal property of decedents dying without real estate, have had the same under consideration, and have directed me to report that it is inexpedient to legislate on that subject.

Ordered, That the report of the committee be concurred in.

Mr. Chapman of Laporte, chairman of the committee on the judiciary, submitted the following report:

MR. PRESIDENT:

The committee on the judiciary, to whom was referred resolution of the Senate in relation to repealing that part of the Revised Statutes which requires legatees and heirs to give bond before receiving their respective legacies or shares, have had the same under consideration, and have directed me to report that it is inexpedient to legislate upon that subject.

Ordered, That the report of the committee be concurred in.

Mr. Defrees, from the committee on the judiciary, submitted the following report:

MR. PRESIDENT:

The committee on the judiciary, to whom was referred a resolution enquiring into the expediency of reporting a bill "providing that all executions hereafter shall take place in private," have directed me to report the following bill and recommend its passage, to-wit:

No. 49. A bill to abolish public executions;

Which was read and ordered to a second reading.

Mr. Herriman, chairman of the committee on roads, submitted the following report:

MR. PRESIDENT:

The committee on roads, to whom was referred a resolution of the Senate, instructing said committee to enquire into the expediency of so amending the road law as to allow the county board to appoint supervisors at their March term, have had the same under consideration, and directed me to report it inexpedient to legislate thereon at this time.

Ordered, That the report of the committee be concurred in.

Mr. Herriman, chairman of the committee on roads, submitted the following report:

MR. PRESIDENT:

The committee on roads, to whom was referred petitions and remonstrances on the subject of an alteration in a State road, have had the same under consideration, and directed me to report that it is inexpedient to legislate thereon at this time.

Ordered, That the report of the committee be concurred in.

Mr. Parks, chairman of the committee on agriculture, submitted the following report:

MR. PRESIDENT:

The standing committee on agriculture, to whom was referred bill of the Senate No. 21, a bill to amend the 5th article of the 25th chapter of the Revised Statutes of 1843, have, according to order, had the same under consideration, and a majority have directed me to report, that, in their opinion, further legislation on this subject, at this time, is inexpedient. They do, therefore, recommend the indefinite postponement of the bill.

Ordered, That the report of the committee be concurred in, and the bill be indefinitely postponed.

Mr. Buell of Warren, from the committee on agriculture, submitted the following report:

MR. PRESIDENT:

The committee on agriculture, to which was referred the petition of Jas. K. Best and others, praying for further encouragement to the raising sheep, &c., have had the same under consideration, and directed me to report that it is inexpedient to legislate on that subject at present, and ask to be discharged.

Ordered, That the report of the commitee be concurred in, and the committee discharged from the further consideration of the subject.

Mr. Edmonson, chairman of the committee on corporations, submitted the following report:

MR. PRESIDENT:

The committee on corporations, to which was referred the petition of Frederick Smith and others, asking the incorporation of the German Military Band of Indianapolis, have had the same under consideration, and have directed me to report the accompanying bill and recommend its passage:

No. 50. A bill to incorporate the German Military Band of Indianapolis;

Which was read and ordered to a second reading.

Mr. Berry, from the committee on corporations, submitted the following report:

MR. PRESIDENT:

The committee on corporations, to whom was referred "A bill to incorporate the Richmond and Boston Turnpike Company," have had that subject under consideration, and directed me to report it back to the Senate, with one amendment, and recommend its passage.

Add the following words as an additional section to said bill:

"The stockholders shall be individually liable for the debts contracted in their corporate capacity; and this act shall be subject to repeal or amendment at the pleasure of the Legislature."

On the question,

Will the Senate concur in the report of the committee, as to the amendment?

The ayes and noes were desired by two Senators.

Those who voted in the affirmative are,

Messrs. Berry, Buell of Dearborn, Carr, Chapman of Daviess, Chapman of Laporte, Duzan, Edmonson, Herriman, Hutton, Jones, Kennedy, Lane, Major, Miller, Parks, Read, Rippey, and Ritchey —18.

Those who voted in the negative are,

Messrs. Akin, Alexander, Allison, Bowers, Bradbury, Buell of Warren, Coffin, Cotton, Davis, Defrees, Dole, Ewing, Farmer, Goodenow, Hamer, Henry, Hodge, Holloway, Jackson, Leviston, Moore, Morgan of Decatur, Morgan of Rush, Orth, Pennington, Reyburn, Rockhill, Stanford, Tannehill, Todd, and Wood—31.

So the amendment of the committee was not concurred in.

Ordered, That the bill be engrossed.

Mr. Buell of Warren, by leave, from the committee on education, submitted the following report:

MR. PRESIDENT:

The committee on education, to whom was referred a bill of the House of Representatives, No. 27, entitled, "A bill for the relief of Jacob Aughee, of Warren county," have had the same under consideration, and have directed me to report the bill back to the Senate, without alteration, and recommend its passage.

Ordered, That the bill be read a third time on Monday next.

Mr. Herriman, chairman of the committee on roads, by leave, submitted the following report:

MR. PRESIDENT:

The committee on roads, to whom was referred a resolution of the Senate, directing said committee to enquire into the expediency of making certain changes in the road law, have directed me to report the following bill and ask its passage:

No. 51. A bill defining the duties of supervisors of roads in certain cases therein named;

Which was read and ordered to a second reading.

On motion by Mr. Chapman of Laporte,

The rule of the Senate was suspended, the bill read a second time, and referred to the committee on the judiciary.

Mr. Chapman of Laporte submitted the following resolution:

Resolved, That the committee on the judiciary enquire into the expediency of repealing all that part of "An act to reduce the salaries of Governor of State and other officers," approved December 14, 1843, which relates to the salaries of Judges.

Mr. Herriman moved to amend the resolution by striking out all after the word "expediency," and inserting as follows:

"Of suspending all that part of an act entitled, 'an act to reduce the salaries of Governor of State and other officers,' approved Dec.

14, 1843, which relates to the salaries of Judges, until it can take effect in all the judicial circuits at the same time, or of repealing it."

Which amendment was accepted by the mover.

The question then recurred upon the adoption of the resolution as amended.

Mr. Ewing moved to lay the resolution upon the table.

The ayes and noes being desired by two Senators,

Those who voted in the affirmative are,

Messrs. Alexander, Allison, Berry, Bowers, Bradbury, Buell of Dearborn, Buell of Warren, Carr, Chapman of Daviess, Coffin, Duzan, Edmonson, Ewing, Farmer, Goodenow, Hamer, Henry, Hodge, Hutton, Jackson, Kennedy, Leviston, Major, Miller, Morgan of Decatur, Morgan of Rush, Parks, Read, Rippey, Ritchey, Rockhill, Stanford, Tannehill, Todd, and Wood—35.

Those who voted in the negative are,

Messrs. Akin, Chapman of Laporte, Cotton, Davis, Defrees, Dole, Herriman, Holloway, Jones, Lane, Moore, Orth, Pennington, and Reyburn—14.

So the resolution was ordered to lie upon the table.

Mr. Parks submitted the following resolution:

Resolved, That the committee on the judiciary be instructed to enquire into the expediency of changing or amending section 233, of article 9, of chapter 30, of the Revised Statutes of 1843, so as to authorize executors or administrators to sell the real estate of a decedent for a less amount than the full appraised value, after the same has once been offered for sale, and not sold for the want of bidders, in cases where the estates are insolvent; with leave to report by bill or otherwise.

Which was adopted.

Mr. Hodge submitted the following resolution:

Resolved, That the committee on education be instructed to enquire into the expediency of extending the same time of final payment on school lands sold prior to the act of 1843, that is extended to those who may have purchased subsequently.

Which was adopted.

Mr. Farmer submitted the following resolution:

Resolved, That the committee on education be instructed to enquire into the expediency of appropriating a part of the saline lands of Brown county for the support of a school for the poor and orphans.

Which was adopted.

Mr. Buell of Dearborn introduced,

No. 52. A bill to change the time of holding probate courts in Dearborn county;

Which was read and ordered to a second reading.

Mr. Chapman of Daviess introduced,

No. 53. A bill to legalize the proceedings of the board of county commissioners of Daviess county;

Which was read and ordered to a second reading.

Mr. Todd introduced,

No. 54. A bill to reduce the penalties and per centage on lands delinquent for taxes for the years 1839 and 1840;

Which was read and ordered to a second reading.

Mr. Buell of Dearborn introduced,

No. 55. A bill to amend an act entitled, "An act granting to the citizens of Madison and the town of Lawrenceburgh a city charter;

Which was read and ordered to a second reading.

Mr. Reyburn introduced,

No. 56. A bill to repeal an act relative to overseers of the poor;

Which was read and ordered to a second reading.

Mr. Todd introduced,

No. 57. A bill fixing the time of holding the terms of the probate courts in Marion county, and for other purposes;

Which was read and ordered to a second reading.

Mr. Davis introduced,

No. 58. A bill fixing the times of holding the circuit courts in the second judicial circuit;

Which was read and ordered to a second reading.

On motion by Mr. Davis,

The rule of the Senate was suspended, the bill read a second time, and,

On motion by Mr. Davis,

Was referred to a select committee.

Ordered, That said committee be composed of Messrs. Davis, Read, Carr, Miller, Pennington, and Logan.

Mr. Berry introduced,

No. 59. A bill for the relief of the heirs of Peter Reybold, deceased;

Which was read and ordered to a second reading.

Mr. Reyburn introduced,

No. 60. A bill in relation to county auditors;

Which was read and ordered to a second reading.

Mr. Buell of Dearborn introduced,

No. 61. A bill authorizing probate judges to take acknowledgments of deeds, powers of attorney, mortgages, and other instruments of writing;

Which was read and ordered to a second reading.

Mr. Herriman introduced,

No. 62. A bill to restrict the county commissioners of the counties

of Lagrange and Noble, in levying a tax, to fifty cents on the one hundred dollars valuation;

Which was read and ordered to a second reading.

Mr. Davis introduced,

No. 63. A bill to establish an additional place of holding elections in Lafayette township, Floyd county;

Which was read and ordered to a second reading.

Mr. Reyburn introduced,

No. 64. A bill in relation to school commissioners;

Which was read and ordered to a second reading.

Mr. Farmer introduced,

No. 65. A bill to amend an act entitled, "An act to reduce the salaries of Governor of State and other officers," approved December 14, 1843;

Which was read, and

Mr. Chapman of Laporte moved to reject the bill.

And the ayes and noes being desired by two Senators,

Those who voted in the affirmative are,

Messrs. Alexander, Bradbury, Buell of Warren, Chapman of Laporte, Coffin, Defrees, Dole, Edmonson, Goodenow, Hodge, Holloway, Hutton, Lane, Major, Miller, Morgan of Decatur, Reyburn, and Ritchey—18.

Those who voted in the negative are,

Messrs. Akin, Allison, Berry, Bowers, Buell of Dearborn, Carr, Chapman of Daviess, Cotton, Davis, Duzan, Ewing, Farmer, Hamer, Henry, Herriman, Jackson, Kennedy, Leviston, Moore, Morgan of Rush, Orth, Parks, Pennington, Read, Rippey, Rockhill, Stanford, Tannehill, Todd, and Wood—30.

So the bill was not rejected.

It was then ordered to a second reading.

The Senate then proceeded to the

ORDERS OF THE DAY.

No. 31. A joint resolution relative to the completion of the Wabash and Ohio Canal.

The question being on the amendment of Mr. Morgan of Decatur to the amendment offered by Mr. Ewing,

Mr. Bowers offered the following as a substitute for the amendment to the amendment:

"*And be it further resolved*, That our Senators in Congress be instructed, and our Representatives requested, to use their best endeavor to procure the passage of a law donating the unsold lands in the Indianapolis land district to the State of Indiana, for the purpose of grading and McAdamizing the Michigan road;"

Which substitute was accepted by Mr. Morgan of Decatur.

Mr. Ewing moved to lay the joint resolution, with the pending amendments, upon the table.

The ayes and noes being desired by two Senators,

Those who voted in the affirmative are,

Messrs. Alexander, Defrees, Ewing, Goodenow, Hamer, Hodge, Holloway, Moore, Orth, Reyburn, Rippey, and Stanford—12.

Those who voted in the negative are,

Messrs. Akin, Allison, Berry, Bowers, Bradbury, Buell of Dearborn, Buell of Warren, Chapman of Laporte, Coffin, Cotton, Davis, Dole, Duzan, Edmonson, Farmer, Henry, Herriman, Hutton, Jackson, Jones, Kennedy, Lane, Leviston, Major, Miller, Morgan of Decatur, Morgan of Rush, Parks, Read, Ritchey, Rockhill, Tannehill, Todd, and Wood—34.

So the motion was disagreed to.

Mr. Lane moved to lay the pending amendments upon the table.

The ayes and noes being desired by two Senators,

Those who voted in the affirmative are,

Messrs. Akin, Allison, Berry, Buell of Dearborn, Carr, Chapman of Daviess, Chapman of Laporte, Coffin, Cotton, Dole, Edmonson, Farmer, Herriman, Hutton, Jackson, Jones, Kennedy, Lane, Leviston, Miller, Parks, Pennington, Read, Ritchey, Rockhill, and Tannehill—26.

Those who voted in the negative are,

Messrs. Alexander, Bowers, Bradbury, Buell of Warren, Davis, Defrees, Duzan, Ewing, Goodenow, Hamer, Henry, Hodge, Holloway, Major, Moore, Morgan of Decatur, Morgan of Rush, Orth, Reyburn, Rippey, Stanford, Todd, and Wood—23.

So the amendments were ordered to lie upon the table.

Mr. Goodenow submitted the following amendment to the resolution:

"*And be it further resolved*, That our Senators in Congress be instructed, and our Representatives requested, to use their best endeavors to procure the passage of a law donating the unsold lands in the Indianapolis land district to the State of Indiana, for the purpose of making a railroad from Edinburgh, in Johnson county, to Indianapolis; and for completing the Central canal from Indianapolis north to the Muncietown feeder."

Mr. Lane moved to lay the proposed amendment on the table.

Mr. Edmonson moved the previous question;

Which was seconded by the Senate.

On the question,

Shall the main question be now put?

It was decided in the affirmative.

The question was then taken on engrossing said joint resolution.

The ayes and noes being desired by two Senators,

Those who voted in the affirmative are,

Messrs. Akin, Allison, Berry, Bradbury, Buell of Dearborn, Carr, Chapman of Daviess, Chapman of Laporte, Coffin, Cotton, Dole, Duzan, Edmonson, Farmer, Herriman, Hutton, Jackson, Jones, Kennedy, Lane, Leviston, Major, Miller, Parks, Pennington, Read, Rippey, Rockhill, Tannehill, Todd, and Wood—31.

Those who voted in the negative are,

Messrs. Alexander, Bowers, Buell of Warren, Ewing, Goodenow, Hamer, Henry, Hodge, Holloway, Moore, Morgan of Decatur, Morgan of Rush, Orth, Reyburn, Ritchey, and Stanford—16.

So the joint resolution resolution was ordered to be engrossed.

Mr. Chapman of Laporte, chairman of the committee on the judiciary, asked and obtained leave to submit the following report:

MR. PRESIDENT:

The committee on the judiciary, to whom was referred a resolution of the Senate upon the subject of electing President Judges, with instructions to report a bill governing such elections, have, in accordance with such instructions, directed me to report the following bill and recommend its passage:

No. 66. A bill regulating the election of President Judges;

Which was read and ordered to a second reading.

On motion by Mr. Chapman of Laporte,

The rule of the Senate was suspended, and the bill read a second time.

Mr. Pennington moved to amend the bill by striking from the second section the words "to some future day," and insert "from day to day" in lieu thereof;

Which amendment was agreed to.

Mr. Chapman of Laporte moved to amend the bill by striking from the 5th section the words "superseded by a person elected," and inserting in lieu thereof the words "the expiration of the next session of the General Assembly;"

Which was agreed to.

Mr. Defrees moved to amend the second section by inserting the following words:

"And whenever there shall be more than one Judge to be elected, such elections shall be taken up in their numerical order;"

Which was agreed to.

Ordered, That the said bill be engrossed.

Message from the House, by Mr. Farquhar, their Clerk:

MR. PRESIDENT:

The Speaker of the House of Representatives has signed the following enrolled bill thereof, viz.:

No. 1. An act to vacate a certain alley in the town of West Logan, and for other purposes;

Which I have been directed to bring to the Senate for the signature of the President.

Whereupon the President affixed his signature to the same, and it was delivered to the committee on enrolled bills to be presented to his Excellency the Governor for his approbation and signature.

Mr. Davis moved to suspend the order of business and take up the following message from the House by Mr. Farquhar, their clerk:

MR. PRESIDENT:

I have been directed by the House to respectfully ask of the Senate to return to the House the message containing the resolution of the House fixing the time of adjournment of the General Assembly on the 13th of January next.

JNO. H. FARQUHAR, *Clerk*.

Which motion was agreed to.

Mr. Herriman moved to lay the report on the table.

Mr. Ritchey moved a call of the Senate;

Which was ordered.

The Secretary proceeded to call the roll and reported the absentees.

Mr. Edmonson moved that the door-keeper go for the absentees;

Which was agreed to.

The absentees having appeared,

On motion by Mr. Herriman,

The further call of the Senate was suspended.

The question then recurring upon the motion to lay upon the table,

The ayes and noes were desired by two Senators.

Those who voted in the affirmative are,

Messrs. Akin, Berry, Buell of Dearborn, Carr, Chapman of Daviess, Chapman of Laporte, Duzan, Edmonson, Herriman, Hutton, Jackson, Jones, Kennedy, Lane, Leviston, Logan, Major, Miller, Parks, Read, Rippey, Ritchey, Rockhill, Tannehill, and Wood—25.

Those who voted in the negative are,

Messrs. Alexander, Allison, Bowers, Bradbury, Buell of Warren, Coffin, Cotton, Davis, Defrees, Dole, Ewing, Farmer, Goodenow, Hamer, Henry, Hodge, Holloway, Moore, Morgan of Decatur, Morgan of Rush, Orth, Pennington, Reyburn, Stanford, and Todd —25.

The Senate being equally divided,

The President gave the casting vote in the affirmative;

And so it was ordered that the said message do lie upon the table.

Mr. Read moved further to suspend the order of business and take from the table the message of the House containing a resolution in the following words:

Resolved, That the House will, the Senate concurring therein, adjourn *sine die* on Monday, the 13th day of January next.

Mr. Todd moved that the Senate adjourn;

Which was disagreed to.

The motion by Mr. Read was then agreed to, and the resolution of the House taken up.

Mr. Pennington moved to concur in the resolution, with the following amendment thereto:

"Should the necessary business of the General Assembly have been completed."

Mr. Akin moved to lay the amendment upon the table.

The ayes and noes being desired by two Senators,

Those who voted in the affirmative are,

Messrs. Akin, Berry, Buell of Dearborn, Carr, Chapman of Daviess, Chapman of Laporte, Duzan, Edmonson, Ewing, Herriman, Hutton, Jackson, Jones, Kennedy, Lane, Leviston, Logan, Major, Miller, Parks, Read, Rippey, Ritchey, Rockhill, Tannehill, and Wood—26.

Those who voted in the negative are,

Messrs. Alexander, Allison, Bowers, Bradbury, Buell of Warren, Coffin, Cotton, Davis, Defrees, Dole, Farmer, Goodenow, Hamer, Henry, Hodge, Holloway, Moore, Morgan of Decatur, Morgan of Rush, Orth, Pennington, Reyburn, Stanford, and Todd—24.

So it was ordered that the amendment lie upon the table.

Mr. Ewing moved to concur in the resolution with the following amendment: Strike out "13th" and insert "6th."

Mr. Herriman called for a division of the question;

And the question being on striking out,

The ayes and noes were desired by two Senators.

Those who voted in the affirmative are,

Messrs. Alexander, Allison, Bowers, Bradbury, Buell of Warren, Coffin, Cotton, Davis, Defrees, Dole, Ewing, Farmer, Goodenow, Hamer, Henry, Hodge, Holloway, Moore, Morgan of Decatur, Morgan of Rush, Orth, Reyburn, Stanford, and Todd—24.

Those who voted in the negative are,

Messrs. Akin, Berry, Buell of Dearborn, Carr, Chapman of Daviess, Chapman of Laporte, Duzan, Edmonson, Herriman, Hutton, Jackson, Jones, Kennedy, Lane, Leviston, Logan, Major, Miller, Parks, Pennington, Read, Rippey, Ritchey, Rockhill, Tannehill, and Wood—26.

So the Senate refused to strike out.

Mr. Orth moved to concur in the resolution with an amendment, by striking out "13th" and inserting "1st;"

Which the President decided to be out of order, the Senate having refused to strike out.

The question then recurring,

"Will the Senate concur in the resolution of the House?"

The ayes and noes being desired by two Senators,

Those who voted in the affirmative are,

Messrs. Akin, Berry, Buell of Dearborn, Carr, Chapman of Daviess, Chapman of Laporte, Duzan, Edmonson, Herriman, Hutton, Jackson, Jones, Kennedy, Lane, Leviston, Logan, Major, Miller, Orth, Parks, Pennington, Read, Rippey, Ritchey, Rockhill, Tannehill, and Wood—27.

Those who voted in the negative are,

Messrs. Alexander, Allison, Bowers, Bradbury, Buell of Warren, Coffin, Cotton, Davis, Defrees, Dole, Ewing, Farmer, Goodenow, Hamer, Henry, Hodge, Holloway, Moore, Morgan of Decatur, Morgan of Rush, Reyburn, Stanford, and Todd—23.

So the resolution was concurred in.

On motion by Mr. Herriman,

The Senate adjourned.

MONDAY MORNING, DECEMBER 16, 1844.

The Senate assembled.

The Journal of the preceding day was read.

Mr. Allison presented the petition of Jefferson Wampler and others, of the county of Owen, in relation to the compensation of common school teachers;

Which was referred to the committee on education.

Mr. Herriman moved to re-consider the vote of the Senate, concurring in the report of the committee on the judiciary, recommending the indefinite postponement of Senate bill No. 18;

Which was agreed to.

On motion by Mr. Berry,

The bill was referred to a select committee.

Ordered, That said committee be composed of Messrs. Berry, Leviston, and Wood.

Mr. Edmonson, from the select committee appointed to consider the subject, submitted the following report:

MR. PRESIDENT:

The select committee to which was referred the report of the Treasurer of State, in answer to a resolution of the Senate, calling for information in regard to the sale of Saline land in Dubois county, have had that report under consideration, and have directed me to report the accompanying bill, and recommend its passage:

No. 67. A bill to amend an act, entiled an act authorizing the sale of certain lands in Dubois county;

Which was read and ordered to a second reading.

Mr. Hutton, from the select committee appointed to consider the subject, submitted the following report:

MR. PRESIDENT:

The select committee to whom was referred a petition of sundry citizens of the counties of Parke, Putnam, and Montgomery, praying for the formation of a new county, have had that subject under consideration, and a majority have directed me to report the following bill, and recommend its passage:

No. 68. A bill to organize a new county, to be known by the name of "Gallatin:"

Which was read and ordered to a second reading.

Mr. Wood, from the select committee appointed to consider the subject, submitted the following report:

MR. PRESIDENT:

The select committee to which was referred the petition of Henry Leka and others, praying the passage of an act to extend the time of holding the June term of the board doing county business in the county of Randolph, have had the subject under consideration, and have directed me to report the following bill, and recommend its passage:

No. 69. A bill to extend the June term of the board doing county business in the county of Randolph;

Which was read and ordered to a second reading.

Mr. Rockhill, from the select committee appointed to consider the subject, submitted the following report:

MR. PRESIDENT:

The select committee to whom was referred, a petition of sundry citizens of Allen county, on the subject of a State road in said county, have had that subject under consideration, and have directed me to report the following bill, and recommend its passage:

No. 70. A bill to locate a State road in Allen county;

Which was read and ordered to a second reading.

Mr. Dole, (leave having been obtained,) from the judiciary committee, submitted the following report:

MR. PRESIDENT:

The committee on the judiciary, to whom was referred a resolution of the Senate in relation to authorizing probate courts to confirm sales of real estate by executors and administrators, where the same is sold for not less than two-thirds of its appraised value, have had the subject under consideration, and have directed me to report the following bill, and ask its passage:

No. 71. A bill in relation to sales of real estate, by executors and administrators;

Which was read and ordered to a second reading.

Mr. Read submitted the following resolution:

Resolved, That the judiciary committee be instructed to inquire into the expediency of modifying the laws relative to rents, so as to make a distinction between tenants in town and those in the country, and to inquire into the expediency of so amending said law, as that it shall operate upon principles of equity and justice, between the landlord and tenant;

Which was adopted.

Mr. Reyburn submitted the following resolution:

Resolved, That the committee on canals and internal improvements be directed to inquire into the propriety of allowing a premium on muskrat scalps, not to exceed six-and-a-fourth cents each; and that they report by bill or otherwise;

Which was adopted.

Mr. Buell of Dearborn, introduced

No. 72. A bill to attach additional territory to the county of Ohio, and for other purposes;

Which was read.

On motion by Mr. Buell of Dearborn,

The rule of the Senate was suspended,

The bill read a second time, and referred to a select committee.

Ordered, That said committee be composed of Messrs. Buell of Dearborn, Bowers, and Henry.

Mr. Hodge introduced,

Mr. 73. A bill to extend the jurisdiction of justices of the peace in criminal cases;

Which was read.

On motion by Mr. Chapman of Laporte,

The rule of the Senate was suspended,

The bill read a second time, and referred to the committee on the judiciary.

Mr. Leviston introduced,

No. 74. A bill providing compensation to supervisors of roads and highways;

Which was read.

On motion by Mr. Orth,

The rule of the Senate was suspended,

The bill read a second time, and referred to the judiciary committee.

Mr. Bowers introduced,

No. 75. A bill to provide for erecting a bridge across Laughery creek in Ripley county;

Which was read.

On motion by Mr. Bowers,

The rule of the Senate was suspended,

The bill read a second time, and referred to a select committee.

Ordered, That the committee be composed of Messrs. Bowers, Buell of Dearborn, and Chapman of Daviess.

Mr. Lane introduced,

No. 76. A bill to authorize aliens to hold lands in this State by purchase or otherwise;

Which was read.

On motion by Mr. Lane,

The rule of the Senate was suspended,

The bill read a second time, and referred to the committee on the judiciary.

Mr. Orth moved a re-consideration of the vote ordering bill No. 74 to be engrossed,

Which was agreed to.

And upon his further motion, the bill was referred to the committee on the judiciary.

Mr. Ewing, leave being granted, submitted for consideration of the Senate, the following resolution:

Resolved, That a select committee be appointed to investigate the conditions, established by law, and annexed to the authority granted to extend and construct the Wabash and Erie canal west of Lafayette, to Terre Haute; and also to inquire into the likelihood of the proceeds of the sales of the lands donated for that purpose, being insufficient under a progressive depreciation in price of unimproved lands situate in the same section of country; and if any other source to indemnify the State treasury for the continued reception of scrip issued and to be issued under the act approved February 8th, 1843 is provided. Said committee to report the relevant facts, with such proper enactments, as the legal obligation of certain counties, and the general interests of the State require.

Mr. Lane moved to amend the resolution, by striking out "a select committee," and inserting in lieu thereof, "the committee on canals and internal improvements;" but afterwards withdrew his motion.

Mr. Dole then renewed the motion made by Mr. Lane,

And the amendment was agreed to.

The resolution was then adopted.

Mr. Davis introduced,

No. 77. A bill to amend the 50th chapter of the Revised Statutes, which concerns the mode of summoning and empanneling grand and petit jurors;

Which was read.

On motion by Mr. Davis,

The rule of the Senate was suspended,

The bill read a second time, and referred to the committee on the judiciary.

Mr. Orth introduced,

No. 78. A bill to enable judgment-creditors more effectually to collect their debts, and for other purposes;

Which was read.

On motion by Mr. Chapman of Laporte,

The rule of the Senate was suspended,

The bill read a second time, and referred to the committee on the judiciary.

Mr. Rockhill introduced,

No. 79. A bill to repeal an act entitled, "an act for the better improvement of the important State roads in the counties of Allen, Dekalb, Noble, Huntington, and Wells, approved January 15th, 1844;"

Which was read and ordered to a second reading.

The Senate then proceeded to the orders of the day.

BILLS ON A SECOND READING.

No. 32. A bill for the relief of Isaiah W. Crow, and Daniel McCaughan,

Was read a second time, and,

On motion by Mr. Morgan of Decatur,

Was referred to the committee on education.

No. 33. A bill to repeal in part, an act entitled, "an act to restrict the session of the grand jury to three days at each term of the Hancock circuit court, approved January 15th, 1844;"

Was read a second time and ordered to be engrossed.

No. 34. A joint resolution in relation to the improvement of the Wabash river;

Was read a second time.

Mr. Lane moved to refer the joint resolution to the committee on canals and internal improvements.

Mr. Ewing moved a call of the Senate,

Which was disagreed to.

The question then being on the motion of Mr. Lane,

The ayes and noes were desired by two Senators,

And are as follows:

Those who voted in the affirmative are,

Messrs. Allison, Berry, Chapman of Daviess, Chapman of Laporte, Coffin, Cotton, Dole, Duzan, Herriman, Hutton, Jones, Kennedy, Lane, Leviston, Miller, Parks, Read, and Rippey—18.

Those who voted in the negative are,

Messrs. Akin, Alexander, Bowers, Bradbury, Buell of Dearborn, Buell of Warren, Davis, Defrees, Edmonson, Ewing, Farmer, Goodenow, Hamer, Henry, Hodge, Holloway, Jackson, Moore, Morgan of Decatur, Morgan of Rush, Orth, Pennington, Reyburn, Ritchey, Rockhill, Stanford, Tannehill, Todd and Wood—29.

So the motion to refer the joint resolution to the committee on canals and internal improvements, was disagreed to.

Mr. Allison moved to amend the joint resolution, by striking out the preamble.

The ayes and noes being desired by two Senators,

Those who voted in the affirmative are,

Messrs. Allison, Chapman of Daviess, Duzan, Edmonson, Herriman, Lane, Miller, and Parks—8.

Those who voted in the negative are,

Messrs. Akin, Alexander, Bowers, Bradbury, Buell of Warren, Carr, Coffin, Cotton, Defrees, Dole, Ewing, Goodenow, Hamer, Hodge, Holloway, Hutton, Kennedy, Leviston, Major, Moore, Morgan of Decatur, Morgan of Rush, Orth, Pennington, Read, Reyburn, Rippey, Ritchey, Rockhill, Stanford, Tannehill, Todd, and Wood —33.

So the Senate refused to strike out the preamble.

The joint resolution was then ordered to be engrossed.

No. 35. A bill to change the name of Cornelia Minerva Nevius to Cornelia Minerva Warner;

Was read a second time, and ordered to be engrossed.

No. 36. A bill extending the time of holding circuit courts in the county of Boone;

Was read a second time, and,

On motion by Mr. Duzan,

Referred to a select committee.

Ordered, That said committee be composed of Messrs. Duzan, Todd, and Alexander.

No. 38. A bill for the relief of Francis Linck and Bayless Bennett;

Was read a second time, and,

On motion by Mr. Morgan of Decatur,

Was referred to the committee on claims, together with the certificate of the board of commissioners of Vanderburgh county;

No. 39. A bill to amend an act entitled, an act for the benefit of persons who are likely to suffer by the destruction of the records of Miami county by fire, and to provide for the election of a commissioner to restore said records:

Was read a second time, and,

On motion by Mr. Reyburn,

Was amended by adding to the third section, as follows: "that should the said commissioner, so elected, fail to take the oath required by the act to which this is an amendment, it shall be the duty of the circuit court forthwith to appoint, as is provided by the said act, to which this is an amendment."

On motion by Mr. Orth,

The rule of the Senate was suspended,

The bill read a third time and passed.

No. 40. A bill to repeal an act entitled, "an act to change the mode of selecting petit jurors in Jackson and Bartholomew counties, and for other purposes, approved December 29th, 1841;" so far as it relates to Jackson county;

Was read a second time, and,

On motion by Mr. Davis,

Was referred to the committee on the judiciary.

No. 41. A joint resolution on the subject of the annexation of Texas;

Was read a second time.

Mr. Akin moved to refer the joint resolution to the committee on federal relations.

Mr. Orth moved to add, with the following instructions: to prepare a protest on behalf of the State of Indiana, to be forwarded to our Senators and Representatives in Congress, and to the Governors of the several States of our Union, against the annexation of Texas, now and hereafter.

The motion to instruct the committee was disagreed to, and also the motion to refer to said committee.

Mr. Defrees moved to refer to a select committee, which the Senate refused.

Mr. Akin moved the indefinite postponement of the joint resolution.

Mr. Herriman moved to adjourn,

And the ayes and noes being desired by two Senators,

Those who voted in the affirmative are,

Messrs. Akin, Alexander, Berry, Carr, Chapman of Daviess, Chapman of Laporte, Duzan, Edmonson, Hamer, Henry, Herriman, Hutton, Jackson, Jones, Kennedy, Lane, Leviston, Major, Miller, Morgan of Decatur, Parks, Read, Rippey, Ritchey, Rockhill, Stanford, Tannehill, Todd, and Wood—29.

Those who voted in the negative are,

Messrs. Allison, Bowers, Bradbury, Buell of Warren, Coffin, Cotton, Davis, Defrees, Dole, Ewing, Farmer, Goodenow, Hodge, Holloway, Moore, Morgan of Rush, Pennington, and Reyburn—18.

So the Senate adjourned.

2 *o'clock, P. M.*

The Senate assembled.

The joint resolution on the subject of the annexation of Texas being under consideration,

Mr. Akin withdrew his motion to indefinitely postpone,

Mr. Herriman submitted the following amendment to the joint resolution:

Strike out all after the resolving clause, and insert as follows:

That *we*, the Senators and Representatives of the Indiana Legislature, do declare "that so far from having any personal objections to the annexation of Texas *we* would be glad to see it."

"The annexation of Texas cannot affect the question of slavery one way or the other; whether Texas be annexed or not, the institution of slavery is bound to become extinct by the inevitable law of population. Would it be wise to refuse a permanent acquisition that is to last as long as the globe remains, on account of a temporary institution?"

Therefore, our Senators in Congress are instructed, and our Representatives requested to vote in accordance with the above sentiments.

Mr. Chapman of Laporte moved the previous question.

Mr. Defrees moved a call of the Senate;

Which was ordered.

The Secretary proceeded to call the roll and reported the absentees.

The absent Senators having made their appearance,

Mr. Akin moved that the call be suspended;

Which was agreed to.

The motion for the previous question was then seconded by the Senate.

And on the question,

"Shall the main question be now put?"

It was decided in the affirmative.

The question then recurring,

"Shall the joint resolution be engrossed?"

The ayes and noes were desired by two Senators.

Those who voted in the affirmative are,

Messrs. Alexander, Allison, Bradbury, Buell of Warren, Coffin, Davis, Defrees, Dole, Ewing, Goodenow, Hamer, Hodge, Holloway, Moore, Morgan of Decatur, Morgan of Rush, Orth, Pennington, Reyburn, Stanford, and Todd—21.

Those who voted in the negative are,

Messrs. Akin, Berry, Bowers, Buell of Dearborn, Carr, Chapman of Daviess, Chapman of Laporte, Duzan, Edmonson, Farmer, Henry, Herriman, Hutton, Jackson, Jones, Kennedy, Lane, Leviston, Logan, Major, Miller, Parks, Read, Rippey, Ritchey, Rockhill, Tannehill, and Wood—28.

So the Senate refused to order said joint resolution to be engrossed.

Mr. Logan moved to take from the table,

No. 7. A bill to extend the times of holding probate courts in the counties of Washington, Ripley, and Jefferson;

Which was agreed to.

Mr. Logan then moved to concur in the amendment of the House to said bill, with the following amendment:

Strike out the following words in the first section: "May sit

twelve days at their respective courts, if the business require it, and the probate court of Ripley;" and insert in lieu thereof the words, "and Ripley," after the word "Jefferson;"

Which was agreed to.

Ordered, That the Secretary notify the House thereof.

Mr. Chapman of Laporte moved to suspend the order of business and take from the files,

No. 66. A bill regulating the election of President Judges;

Which was agreed to.

Mr. Defrees moved to refer the bill to a select committee, with instructions to so amend the bill as to provide for the election of Secretary of State and State Librarian.

On which motion,

The ayes and noes being desired by two Senators,

Those who voted in the affirmative are,

Messrs. Alexander, Allison, Bowers, Bradbury, Buell of Warren, Coffin, Cotton, Davis, Defrees, Dole, Ewing, Farmer, Goodenow, Hamer, Henry, Hodge, Holloway, Moore, Morgan of Decatur, Morgan of Rush, Orth, Pennington, Reyburn, Stanford, and Todd —25.

Those who voted in the negative are,

Messrs. Akin, Berry, Buell of Dearborn, Carr, Chapman of Daviess, Chapman of Laporte, Duzan, Edmonson, Herriman, Hutton, Jackson, Jones, Kennedy, Lane, Leviston, Logan, Major, Miller, Parks, Read, Rippey, Ritchey, Rockhill, Tannehill, and Wood—25.

The Senate being equally divided,

The President gave the casting vote in the negative.

So the bill was not referred.

Mr. Chapman of Laporte moved to reconsider the vote on the passage of bill No. 39;

Which was agreed to; and,

On motion by Mr. Chapman,

Ordered, That said bill do lie upon the table.

Mr. Rippey (leave having been obtained), from the select committee to whom the subject was referred, submitted the following report:

MR. PRESIDENT:

The select committee to whom was referred the petition of sundry citizens of Whitley county, praying for the passage of an act providing for a special session of the Whitley circuit court, have had the same under consideration, and have directed me to report the following bill and ask its passage.

No. 80. A bill to provide for a special term of the Whitley circuit court;

Which was read.

On motion by Mr. Rippey,

The rules of the Senate were suspended,

The bill read a second and third times, and passed.

Ordered, That the Secretary inform the House of the passage of said bill, and ask their concurrence therein.

No. 42. A bill to extend certain privileges in an act herein named;

Was read a second time and ordered to be engrossed.

No. 43. A bill providing for establishing school district libraries;

Was read a second time, and,

On motion by Mr. Goodenow,

Was referred to the committee on education.

No. 45. A bill to change a county road to a State road in Sullivan county;

Was read a second time and ordered to be engrossed.

Bill of the House No. 9. A bill to change the name of the town of Palestine to that of Poseyville;

Was read a second time and ordered to a third reading.

No. 46. A bill supplemental to the eighth chapter of the Revised Statutes, prescribing the duties of county recorders;

Was read a second time;

And on the question,

"Shall said bill be engrossed and read a third time?"

It was decided in the negative.

No. 47. A bill to incorporate a Presbyterian church in Wells county;

Was read a second time and ordered to be engrossed.

No. 48. A bill to ratify the proceedings of the common council of the city of Fort Wayne;

Was read a second time and ordered to be engrossed.

No. 49. A bill to abolish public executions;

Was read a second time.

Mr. Orth moved to refer the bill to the committee on the judiciary, with instructions to provide for the entire abolition of capital punishment, and substitute some more humane and rational punishment.

Mr. Edmonson moved to lay the bill and instructions upon the table.

The ayes and noes being desired by two Senators,

Those who voted in the affirmative are,

Messrs. Allison, Berry, Bowers, Buell of Dearborn, Carr, Chapman of Daviess, Edmonson, Goodenow, Jackson, Lane, Logan, Major, Miller, Morgan of Decatur, Parks, Pennington, Reyburn, Ritchey, and Tannehill—19.

Those who voted in the negative are,

Messrs. Akin, Alexander, Bradbury, Buell of Warren, Chapman of Laporte, Coffin, Cotton, Davis, Defrees, Dole, Ewing, Farmer, Hamer, Henry, Herriman, Hodge, Holloway, Hutton, Jones, Kennedy, Leviston, Moore, Morgan of Rush, Orth, Read, Rippey, Rockhill, Stanford, Todd, and Wood—30.

So the motion to lay upon the table was disagreed to.

Mr. Ewing moved to lay the instructions upon the table.

The ayes and noes being desired by two Senators,

Those who voted in the affirmative are,

Messrs. Allison, Berry, Bowers, Buell of Dearborn, Buell of Warren, Carr, Chapman of Daviess, Chapman of Laporte, Coffin, Davis, Duzan, Edmonson, Ewing, Goodenow, Jackson, Kennedy, Lane, Logan, Miller, Morgan of Decatur, Parks, Pennington, Read, Rippey, Ritchey, Rockhill, Tannehill, and Todd—28.

Those who voted in the negative are,

Messrs. Akin, Alexander, Bradbury, Cotton, Defrees, Dole, Farmer, Hamer, Henry, Herriman, Hodge, Holloway, Hutton, Jones, Leviston, Major, Moore, Morgan of Rush, Orth, Reyburn, Stanford, and Wood—21.

So it was ordered that the instructions lie upon the tahle.

The question then recurred upon the question of engrossment.

The ayes and noes being desired by two Senators,

Those who voted in the affirmative are,

Messrs. Akin, Berry, Buell of Warren, Carr, Chapman of Laporte, Cotton, Davis, Defrees, Ewing, Hamer, Herriman, Holloway, Hutton, Jones, Kennedy, Leviston, Morgan of Rush, Orth, Read, Rippey, Ritchey, and Todd—22.

Those who voted in the negative are,

Messrs. Allison, Bowers, Bradbury, Buell of Dearborn, Chapman of Daviess, Coffin, Dole, Duzan, Edmonson, Farmer, Goodenow, Henry, Hodge, Jackson, Lane, Logan, Major, Miller, Moore, Morgan of Decatur, Parks, Pennington, Reyburn, Rockhill, Stanford, Tannehill, and Wood—27.

So the Senate refused to order the bill to be engrossed.

No. 50. An act to incorporate the German Military Band of Indianapolis;

Was read a second time and ordered to be engrossed.

Mr. Ewing moved to reconsider the vote of the Senate refusing to order the engrossment of bill No. 46.

The ayes and noes being desired by two Senators,

Those who voted in the affirmative are,

Messrs. Akin, Alexander, Allison, Bowers, Bradbury, Buell of Warren, Chapman of Laporte, Coffin, Cotton, Dole, Edmonson, Ewing, Farmer, Hamer, Henry, Hodge, Holloway, Jones, Moore, Morgan of Rush, Read, Reyburn, Rippey, Ritchey, and Rockhill —25.

Those who voted in the negative are,

Messrs. Berry, Buell of Dearborn, Carr, Chapman of Daviess, Davis, Defrees, Duzan, Goodenow, Herriman, Hutton, Jackson, Kennedy, Lane, Leviston, Logan, Major, Miller, Morgan of Decatur, Orth, Parks, Pennington, Stanford, Tannehill, Todd, and Wood—25.

The Senate being equally divided,

The President gave the casting vote in the affirmative;

And so the vote was reconsidered.

Mr. Todd moved to amend the bill by adding, "except it be for any person who may reside in a different county in this State than that in which the record is to be made, or for any person who is not a resident of this State."

Mr. Pennington moved to postpone the further consideration of said bill and pending amendment until the 25th day of December next.

The ayes and noes being desired by two Senators,

Those who voted in the affirmative are,

Messrs. Alexander, Allison, Berry, Bradbury, Buell of Dearborn, Chapman of Daviess, Davis, Defrees, Dole, Duzan, Farmer, Goodenow, Herriman, Jackson, Kennedy, Lane, Leviston, Miller, Morgan of Decatur, Orth, Pennington, Reyburn, Rippey, Rockhill, Stanford, Tannehill and Wood—27.

Those who voted in the negative are,

Messrs. Akin, Bowers, Buell of Warren, Carr, Chapman of Laporte, Coffin, Cotton, Edmonson, Ewing, Hamer, Henry, Holloway, Hutton, Jones, Moore, Morgan of Rush, Read, Ritchey, and Todd —19.

So the motion to postpone was agreed to.

Mr. Davis, from the select committee appointed to consider the subject, submitted the following report:

Mr. President:

The select committee to whom was referred bill of the Senate No. 58, entitled, "A bill fixing the time of holding the circuit courts in the second judicial circuit," have had the same under consideration, and have directed me to report the same back to the Senate and recommend its passage.

Ordered, That the report of the committee be concurred in, and that the bill be engrossed.

Leave having been granted,

Mr. Pennington submitted the following resolution:

Resolved, That the committee on the judiciary be requested to inquire into the expediency of providing by law that hereafter the circuit courts shall commence their sessions on Tuesdays instead of Mondays, with leave to report by bill or otherwise;

Which was adopted.

Mr. Herriman asked leave to introduce for the consideration of the Senate a resolution.

The ayes and noes being desired by two Senators,

Those who voted in the affirmative are,

Messrs. Akin, Berry, Buell of Dearborn, Buell of Warren, Carr, Chapman of Daviess, Chapman of Laporte, Duzan, Herriman, Hutton, Jackson, Jones, Kennedy, Lane, Leviston, Major, Read, Rippey, Ritchey, Rockhill, Stanford, Tannehill, and Wood—23.

Those who voted in the negative are,

Messrs. Alexander, Allison, Bowers, Bradbury, Coffin, Cotton, Davis, Defrees, Dole, Edmonson, Ewing, Farmer, Goodenow, Hamer, Holloway, Miller, Moore, Morgan of Decatur, Morgan of Rush, Orth, Parks, Pennington, Reyburn, and Todd—24.

So the leave was not granted.

Mr. Defrees (leave having been granted) introduced,

No. 81. A bill providing for the election of Secretary of State and State Librarian;

Which was read;

Mr. Buell of Dearborn moved to suspend the rule of the Senate and read the bill a second time now.

The ayes and noes being desired by two Senators,

Those who voted in the affirmative are,

Messrs. Alexander, Allison, Bowers, Bradbury, Buell of Dearborn, Buell of Warren, Chapman of Daviess, Coffin, Cotton, Davis, Defrees, Dole, Ewing, Farmer, Goodenow, Hamer, Henry, Holloway, Moore, Morgan of Decatur, Morgan of Rush, Orth, Pennington, Read, Reyburn, Stanford, and Todd—27.

Those who voted in the negative are,

Messrs. Akin, Berry, Carr, Chapman of Laporte, Duzan, Edmonson, Herriman, Hutton, Jackson, Jones, Kennedy, Lane, Leviston, Major, Miller, Parks, Rippey, Ritchey, Rockhill, Tannehill, and Wood—21.

And so the Senate refused to suspend the rule.

The bill was then ordered to a second reading.

Mr. Todd asked and obtained leave to introduce the following preamble and resolutions:

WHEREAS, The Hon. Noah Noble, long a distinguished, faithful, and beloved public servant of Indiana, has departed this life, leaving vacant a position in public and private life, equally to be deplored by the State and the circle of his numerous friends: Therefore,

Resolved, unanimously, That the Senate entertain the most profound regret for this melancholy event, and that they will cherish the memory of his virtuous, useful, and patriotic career, as a public servant, and of his amiable and generous private life.

Resolved, unanimously, That the Senate tender the assurance of their warmest sympathies to the family of the deceased in the deeply afflictive loss they have sustained.

Resolved, unanimously, That the Secretary notify the House of Representatives of the adoption of these resolutions, and that the President of the Senate be requested to cause an attested copy thereof to be transmitted to the family of the deceased.

Resolved, unanimously, That the Senate, in token of their respect for the memory of the Hon. Noah Noble, do now adjourn.

And thereupon,

The Senate adjourned.

TUESDAY MORNING, DECEMBER 17, 1844.

The Senate assembled.

The Journal of the preceding day was read.

The President laid before the Senate the following communication from the Auditor of State:

AUDITOR'S OFFICE,
Dec. 16, 1844.

TO THE HON. JESSE D. BRIGHT,

President of the Senate:

SIR: The following resolution of the Senate, originally addressed to the Treasurer of State, but afterwards referred to this office, has been received:

Resolved, That the Treasurer of State report to this Senate, at as early a day as may be practicable, the names, amounts, and residences severally, of all persons now in default to the State, in any way and to any amount of money whatsoever, giving the date at which each such default occurred, and the present condition or circumstances attending the same, except so much of the information herein required as will be embodied in his annual report to His Excellency the Governor.

In reply to this resolution, I would respectfully state, at present, that it will scarcely be possible for this office to furnish the Senate with the information sought for, prior to the close of the present session. The magnitude of the task imposed upon this office, by the passage of the resolution, would be readily comprehended, by an inspection of the long list of names of debtors to the State, on all accounts, and the mass of manuscript matter which would have to be read, to say nothing of the various laws, bearing upon the subject, which would have to be examined before the resolution could, in terms, be complied with. No disposition is felt by this office to shrink from the performance of any labor which may be imposed upon it, by either branch of the Legislature, especially where the subject is so important in its nature as that embraced in the foregoing resolution; and it is to be hoped that this communication will not be construed as evidencing a desire to avoid the discharge of a public duty. Should the Senate see proper to direct, that the report contemplated by the resolution should be submitted at the *next* session, the labor of its preparation would be undergone with cheerfulness, and the report itself more detailed and satisfactory to the Senate and the country.

I am, very respectfully,
Your obedient servant,
HORATIO J. HARRIS,
Auditor of State.

The President also laid before the Senate the following report of the State Librarian:

STATE LIBRARY,
December 16, 1844.

To the Honorable President of the Senate:

SIR: The undersigned, in reply to a resolution of the Senate of the 9th instant, requiring the State Librarian to inform the Senate where the books referred to in his report made at this session were purchased, when, of whom, and by whom they were purchased, now reports that the following books were purchased of William A. Day, in the month of November last, in Indianapolis, by direction of the Auditor, Treasurer, and Secretary of State, through the undersigned.

Waxhall's Tour, 1 vol., octavo.
Xenophon, 1 vol., octavo.
Chateaubriand's Martyrs, 3 vols., 18mo.
Mindelshon's Memoirs, 1 vol., octavo.
Moore's Eutopean, 1 vol., 12mo.
German Prose Writers, 1 vol., 12mo.
Provincial Letters, 1 vol., 12mo.
Glossary of Architecture, 2 vols., 12mo.
Proverbial Philosophy, 1 vol., 12mo.
Percy's Reliques, 2 vols., 12mo.
Henry of Oftendingen, 1 vol., 12mo.
Sears's Bible History, 1 vol., 8vo.
Life of Follen, 1 vol., 12mo.
Knowledge Under Difficulties, 1 vol., 12mo.
Vethake's Political Economy, 1 vol., octavo.
Exile of Madame de Stael, 1 vol., 12mo.

The undersigned also reports that the following works were purchased, as he is informed, of Henry Grabner, by the Treasurer, and, as he presumes, by the consent of the Auditor and Secretary of State, in November last:

Webster's Speeches, 3 vols., octavo.
Sparks's Life of Franklin, 1 vol., octavo.

The Senate is doubtless aware that the power of purchasing books is not vested in the Librarian, but in the above named officers, by section 89, chapter 6, R. S. 1843, which will account for the inability of the undersigned to speak with more particularity of the last item.

The undersigned further reports that by the above officers he was authorized to purchase books of Gov. Whitcomb, which were in Indianapolis, and under that authority he purchased during the last month the following works:

Representative History of Great Britain, 6 vols., octavo.
Fostroke's Antiquities, 3 vols., quarto.
Drake's Shakspeare, 2 vols., quarto.
Bayle's Historical Dictionary, 5 vols., folio.
Churchhill's Voyages, 6 vols., folio.
Newgate Calendar, 5 vols., octavo.
Common School Journal, 1 vol., octavo.

The undersigned, however, must add, that Gov. Whitcomb stated he did not wish the books to be considered as purchased until fully sanctioned by the officers appointed for that purpose by law, and has in consequence received no payment for any part of them, presuming, however, that no objections would be taken to the purchase, on account of the condition, value, or usefulness of the books, especially when compared with many other volumes purchased by the Librarian in former years; nor that any objection would arise as to the price—understood to be much less than they could be purchased for of the bookseller. They were reported by the undersigned among those purchased, in the belief that the purchase would encounter no objection. And I will further add, that, although Gov. Whitcomb has nothing to do in purchasing books for the Library, and therefore the proper officers are as much at liberty to purchase of him as of any other individual, yet I am still at liberty to return the books, if objections are yet made; and an examination of them by the Library committee, or such other action as the Senate may be pleased to direct, is respectfully solicited and waited for. In conclusion, I will state, that although three hundred dollars was appropriated last session for the purchase of books for the Library, and until last session four hundred dollars annually, yet there has been only purchased this year books to the amount of $158 88, if the last-named list should be included; and if not, the amount will only be $35 88.

All which is respectfully submitted.

SAMUEL P. DANIELS,
State Librarian.

Which,

On motion by Mr. Orth,

Was referred to the joint committee on the State Library.

The President also laid before the Senate the following communication from His Excellency the Governor:

EXECUTIVE DEPARTMENT,
December 16, 1844.

To the President of the Senate:

SIR: T. Brown Kinder is hereby authorized to bear communications from the Executive to the Senate.

I am, respectfully,
Your obedient servant,
JAS. WHITCOMB.

Mr. Chapman of Laporte, chairman of the committee on the judiciary, submitted the following report:

MR. PRESIDENT:

The committee on the judiciary, to whom was referred resolution of the Senate relative to the office of county treasurer, have had the same under consideration, and have directed me to report the following bill and recommend its passage.

No. 82. A bill relative to the office of county treasurer;

Which was read and ordered to a second reading.

Mr. Lane, chairman of the committee on claims, submitted the following report:

MR. PRESIDENT:

The committee on claims, to whom was referred the petition of Martin Fitzpatrick, asking pay for work done on the New Albany and Vincennes Turnpike road, in the year 1838, have had the same under consideration, and have directed me to report it inexpedient to legislate on that subject, and ask to be discharged from the further consideration thereof.

The report was then concurred in, and the committee discharged from the further consideration of the subject.

Mr. Akin, from the committee on the State Bank, submitted the following report:

MR. PRESIDENT:

The committee on the State Bank, to whom was referred the reports of the several branches of the State Bank, beg leave to report, that the committee have examined the reports, above referred, and are of opinion that the salaries of many of the officers are exorbitantly high. They therefore recommend the adoption of the following resolution:

Resolved, That the Directors on the part of the State, of the State Bank of Indiana, be requested to use their best exertions to procure a reduction of the salaries of such officers as to them may appear right and proper.

The committee are aware that the efforts of the State board to bring about the reform so much desired, have been unavailing; nevertheless, the committee would earnestly request the State board to exercise their power and influence to prohibit the collecting officers, and legal advisers of the several Branch Banks, from acting as Directors thereof: also to have the number of subordinate officers reduced when it may be practicable.

The committee would particularly direct the attention of the State board, to the difference in the amount of the salaries of Branch Presidents, and the difference in number of the subordinate officers employed in the several branches of the State Bank.

On motion by Mr. Chapman of Laporte,

Ordered, That the said report lie upon the table.

Mr. Bowers, from the select committee, appointed to consider the subject, submitted the following report:

MR. PRESIDENT:

The select committee, to which was referred bill of the Senate No. 75, entitled "A bill to provide for erecting a bridge across Laughery creek, in Ripley county," have had the same under consideration, and have directed me to report it back to the Senate without amendment, and recommend its passage.

On motion by Mr. Bowers,

The rule of the Senate was suspended, the bill read a third time, and passed.

Mr. Buell of Dearborn, from the select committee appointed to consider the subject, submitted the following report:

MR. PRESIDENT:

The select committee to whom was referred bill of the Senate No. 72, entitled "A bill to attach additional territory to the county of Ohio, and for other purposes," have had the same under consideration, and a majority have directed me to report the bill back without amendment, and recommend its passage.

On motion by Mr. Henry,

Ordered, That the bill lie upon the table.

Mr. Ewing submitted for the consideration of the Senate, the following resolution:

Resolved, That the committee on finance report a bill, rendering it the duty of the Auditor of State to annex to his annual report, a list of all public defaulters, and the sums severally due—how long due—the steps adopted to compel payment, with such other information as may be proper to afford a correct knowledge of the matter adverted to.

Mr. Herriman moved to amend the resolution, by striking out "report," and inserting in lieu thereof, "be directed to enquire into the expediency of reporting."

The ayes and noes being desired by two Senators;

Those who voted in the affirmative are,

Messrs. Berry, Buell of Warren, Carr, Chapman of Daviess, Chapman of Laporte, Edmonson, Herriman, Hutton, Jackson, Jones, Kennedy, Lane, Leviston, Major, Miller, Read, Rippey, Ritchey, Rockhill, Stanford, Tannehill and Wood—22.

Those who voted in the negative are,

Messrs. Allison, Bowers, Bradbury, Buell of Dearborn, Coffin, Cotton, Davis, Ewing, Farmer, Goodenow, Hamer, Henry, Hodge, Holloway, Moore, Morgan of Decatur, Morgan of Rush, Orth, Pennington and Todd—21.

So the motion to amend was agreed to.

The resolution was then adopted as amended.

Mr. Miller submitted the following resolution:

Resolved, That the judiciary committee be instructed to enquire into the expediency of passing a law exempting all licensed preachers of the Gospel of the several denominations in this State, from working on public roads and highways, and from paying a poll tax, or any toll at ferries or turnpike roads, when on their professional duties.

Which was disagreed to.

Mr. Morgan of Decatur, submitted the following resolution:

Resolved, That the committee on the judiciary be instructed to enquire into the propriety of so amending the law regulating the duties of the Sheriff of the Supreme Court, that no part of the fees shall be allowed to said Sheriff, when the duties are performed by deputy, with leave to report by bill or otherwise.

Which was not agreed to.

Mr. Hodge submitted the following resolution:

Resolved, That the committee on finance be instructed to enquire into the expediency of the passage of an act authorizing the Treasurer of State to purchase and transmit to each organized county in the State, (not heretofore supplied,) Colton's map of Indiana.

Mr. Ewing moved to lay the resolution on the table;

Which was agreed to.

On motion by Mr. Alexander,

Resolved, That the committee on the judiciary be instructed to enquire into the expediency of repealing the eighteenth section of the twelfth chapter of the Revised Statutes, relative to county treasurers holding over.

On motion by Mr. Rippey,

Resolved, That the committee on education enquire into the propriety of adopting by law, common school houses as county seminaries, in the counties of this State where there is now no seminary, and to provide that the seminary fund be a permanent fund for the support of tuition, and report by bill or otherwise.

Mr. Henry introduced,

No. 83. A bill to locate a State road in the county of Switzerland;

Which was read, and ordered to a second reading.

Mr. Todd introduced,

No. 84. A bill to alter the times of holding the circuit courts in the county of Marion;

Which was read, and ordered to a second reading.

Mr. Chapman of Laporte, introduced,

No. 85. A bill in relation to petit jurors in the county of Porter;

Which was read:

On motion by Mr. Chapman of Laporte,

The rules of the Senate were suspended, the bill read a second and third times, and passed.

Mr. Todd introduced,

No. 86. A bill to amend the thirteenth section of an act, entitled "an act to amend an act, entitled an act supplemental to an act subjecting real and personal property to execution," approved February 11, 1843.

Which was read, and ordered to a second reading.

Mr. Herriman introduced,

No. 87. A bill, supplemental to an act, entitled "an act relative to the water power at Northport, in Noble county," approved January 21st, 1843.

Which was read:

On motion by Mr. Herriman,

The rule of the Senate was suspended, the bill read a second time, and referred to the committee on canals and internal improvements.

Mr. Rockhill introduced,

No. 88. A bill for the relief of the estate of Samuel Lewis, late of Allen county, deceased.

Which was read:

On motion by Mr. Ewing,

The rule of the Senate was suspended, the bill read a second time, and referred to the committee on the judiciary.

Mr. Rockhill introduced,

No. 89. A bill relating to Indian contracts.

Which was read:

On motion by Mr. Ewing,

The rule of the Senate was suspended, the bill read a second time, and referred to the judiciary committee.

Mr. Buell of Warren, introduced,

No. 90. A bill to amend the fourth article of the sixteenth chapter of the Revised laws, relating to the duty of county auditors.

Which was read:

On motion by Mr. Stanford,

The rule of the Senate was suspended, the bill read a second time, and referred to the committee on roads.

The Senate then took up

Message from the House, by Mr. Farquhar their clerk:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the House has passed without amendment, engrossed bill of the Senate, entitled as follows:

No. 66. An act regulating the election of President Judges.

Message from the House, by Mr. Farquhar their clerk:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the House has passed, without amendment, a joint resolution of the Senate, entitled:

No. 11. A joint resolution, reviving in part a certain act therein named.

Message from the House, by Mr. Farquhar their clerk:

MR. PRESIDENT:

I am directed to inform the Senate, that the House has passed the following engrossed bill thereof:

No. 3. An act to provide for the election of a Senator in Congress of the United States.

In which I am directed to ask the concurrence of the Senate.

House bill No. 3. contained in the foregoing message was read:

On motion by Mr. Chapman of Laporte,

The rule of the Senate was suspended, the bill read a second time, its further consideration indefinitely postponed.

Message from the House by Mr. Farquhar, their Clerk.

MR. PRESIDENT:

The House of Representatives have passed an engrossed bill thereof, entitled,

No. 78. An act for the relief of Daniel Wise;

In which the concurrence of the Senate is requested.

House bill, No. 78, contained in the foregoing message,

Was then read.

On motion by Mr. Jackson,

The rule of the Senate was suspended,

And the bill read a second time.

Mr. Jackson moved to suspend the rule of the Senate, and read the bill a third time now;

Which was disagreed to, and,

On motion by Mr. Stanford,

The bill was referred to the committee on claims.

Message from the House, by Mr. Farquhar, their Clerk.

MR. PRESIDENT:

I am directed by the House of Representatives, to inform the Senate that the House have passed, without amendment, engrossed bills of the Senate, as follows:

No. 23. An act providing for the re-chartering of Hanover college;

No. 44. An act providing for a special session of the Shelby circuit court;

The House have also passed, without amendment, the following joint resolution of the Senate:

No. 37. A joint resolution on the subject of Robert Downey's improved method of manufacturing leather.

The House has also adopted the following resolutions:

Resolved, unanimously, That this House has heard with deep regret of the decease of the Hon. Ratliff Boon, formerly a distinguished public servant of the people of Indiana, and that we cherish with fondness his eminent services, rendered to Indiana in the days of her infancy:

Resolved, unanimously, That we deplore the calamity that an all wise Providence has in His wisdom visited upon the family and kindred of the Hon. Ratliff Boon, in removing him from among kindred and friends, and we sympathize with them in their irreparable loss:

Resolved, unanimously, That the Clerk notify the Senate of the adoption of these resolutions, and that the Speaker be requested to cause an attested copy thereof to be transmitted to the family of the deceased:

Resolved, unanimously, That the House, in token of their respect for the memory of the Hon. Ratliff Boon, do now adjourn.

Message from the House, by Mr. Farquhar, their clerk:

MR. PRESIDENT:

The House has passed without amendment engrossed bills of the Senate, as follows, viz:

No. 1. An act to vacate a part of the town of Mongoquinong, in the county of Lagrange;

No. 3. An act relating to the collection of taxes in the town of Rising Sun;

No. 10. An act to vacate part of a State road in the county of Noble.

The House has also passed engrossed bills of the Senate, with amendments thereto, as follows, viz:

No. 15. An act to extend the time of holding the May term of the Decatur circuit court;

No. 29. An act to amend an act authorizing the election of supervisors of roads in Decatur county.

In which amendments the concurrence of the Senate is requested.

The House has also passed engrossed bills thereof, as follows, viz:

No. 13. An act supplemental to an act entitled an act to change a State road in Sullivan county;

No. 17. An act to change the time of holding probate courts in the county of Daviess;

No. 20. An act for the relief of Owen Russell of Delaware county;

No. 22. An act to extend the term of the county board of Jefferson county;

No. 26. An act relating to Jackson township in Washington county;

No. 34. An act to amend an act amendatory to Michigan city charter;

In which the concurrence of the Senate is respectfully requested.

Ordered, That the Senate concur in the amendments of the House to Senate bills, Nos. 15 and 29, as mentioned in the foregoing message, and that the Secretary notify the House accordingly.

House bill, No. 13, contained in the foregoing message, entitled "an act supplemental to an act entitled, an act to change a State road in Sullivan county, approved Jan. 13, 1844;"

Was read and ordered to a second reading.

House bill, No. 17, entitled an act to change the time of holding probate courts in the county of Daviess, contained in the foregoing message, was read and ordered to a second reading.

House bill, No 20, entitled an act for the relief of Owen Russell, of Delaware county, contained in the foregoing message, was read.

On motion by Mr. Hodge,

The rule of the Senate was suspended,

And the bill read a second time.

Mr. Hodge moved to amend the bill, by adding to section 2 these words: "and a certified copy thereof filed in the clerk's office of Decatur county."

Mr. Morgan of Decatur, moved to refer the bill and pending amendment to the committee on finance,

Which was agreed to.

Bill of the House, No. 22, entitled an act to extend the term of the county board of Jefferson county;

Also, bill of the House, No. 26, entitled an act relating to Jackson township, in Washington county, contained in the foregoing message,

Were severally read and ordered to a second reading.

Bill of the House, No. 34, entitled "an act to amend an act amendatory to Michigan city charter," as contained in the foregoing message, was read.

On motion by Mr. Chapman of Laporte,

The rule of the Senate was suspended,

The bill read a second and third times and passed.

Ordered, That the Secretary notify the House of the passage of the bill.

Leave being granted, Mr. Chapman introduced,

No. 91. A bill to amend an act entitled, an act to locate certain State roads therein named, and for other purposes, approved January 15, 1844;

Which was read.

On motion by Mr. Chapman of Laporte,

The rule of the Senate was suspended,

The bill read a second time and ordered to be engrossed.

The Senate proceeded to the orders of the day.

BILLS ON A SECOND READING.

No. 52. A bill to change the time of a holding probate courts in Dearborn county;

Was read a second time and ordered to be engrossed.

No. 53. A bill to legalize the proceedings of the board of county commissioners of Daviess county;

Was read a second time.

On motion by Mr. Read,

The rule of the Senate was suspended,

The bill read a third time and passed.

Ordered, That the Secretary notify the House thereof, and ask their concurrence.

No. 54. A bill to reduce the penalties and per centage on lands delinquent for taxes for the years 1839 and 1840;

Was read a second time.

Mr. Todd moved to amend the bill by striking out the first section and inserting in lieu thereof, as follows:

Sec. 1. There shall be a penalty assessed of ten per cent. upon the amount of taxes returned delinquent for the years 1839 and 1840, which the persons or property shall be liable to pay, together with interest upon the whole until paid.

On motion by Mr. Herriman,

The bill and pending amendment were referred to the committee on finance.

No. 55. A bill to amend an act, entitled, an act granting to the citizens of Madison and the town of Lawrenceburgh, a city charter;

Was read a second time, and,

On motion by Mr. Berry,

Was referred to the committee on corporations.

No. 56. A bill to repeal an act relative to overseers of the poor;

Was read a second time, and,

On motion by Mr. Morgan of Rush,

Was referred to the committee on the judiciary.

No. 57. A bill fixing the time of holding the probate court in Marion county, and for other purposes;

Was read a second time.

On motion by Mr. Todd,

The bill was amended by adding as follows:

"That the August term of the probate court of Marion county commence on the Monday first succeeding the termination of the July term of the circuit court of said county."

The rule of the Senate was suspended,

The bill as amended,

Read the third time and passed.

Ordered, That the Secretary notify the House thereof, and ask their concurrence.

No. 59. A bill for the relief of the heirs of Peter Reibold, deceased;

Was read a second time, and,

On motion by Mr. Berry,

The rule of the Senate was suspended,

The bill read a third time and passed.

Ordered, That the Secretary notify the House thereof and ask their concurrence.

No. 60. A bill in relation to county auditors;

Was read a second time, and,

On motion by Mr. Dole,

Was referred to the judiciary committee.

No. 61. A bill authorizing probate judges to take acknowledgements of deeds, mortgages, powers of attorney, and other instruments of writing;

Was read a second time, and,

On motion by Mr. Chapman of Laporte,

Was referred to the judiciary committee.

No. 62. A bill to restrict the county commissioners in the counties of Lagrange and Noble in levying a tax to fifty cents on the one hundred dollars valuation;

No. 63. A bill to establish an additional place of holding elections in Lafayette township, Floyd county;

Was read a second time, and,

On motion by Mr. Davis,

The rule of the Senate was suspended,

The bill read a third time and passed.

Ordered, That the Secretary notify the House thereof and ask their concurrence.

No. 64. A bill in relation to school commissioner;

Was read a second time, and,

On motion by Mr. Chapman of Laporte,

Was referred to the committee on education.

No. 65. A bill to amend an act entitled, an act to reduce the salaries of Governor of State, and other officers, approved December 14, 1843;

Was read a second time, and,

On motion by Mr. Chapman of Laporte,

Was referred to committee of the whole and made the order of the day for the 25th instant.

No. 67. A bill to amend an act entitled, an act authorizing the sale of certain lands in Dubois county;

Was read a second time and ordered to be engrossed.

No. 68. A bill to organize a new county, to be known by the name of "Gallatin:"

Was read a second time.

Mr. Coffin moved to lay the bill upon the table.

The ayes and noes being desired by two Senators,

Those who voted in the affirmative are,

Messrs. Alexander, Allison, Bowers, Bradbury, Buell of Warren, Coffin, Davis, Defrees, Dole, Ewing, Farmer, Goodenow, Hamer, Henry, Hodge, Holloway, Jackson, Kennedy, Moore, Morgan of Decatur, Morgan of Rush, Orth, Pennington, Stanford, and Todd —25.

Those who voted in the negative are,

Messrs. Akin, Berry, Buell of Dearborn, Carr, Chapman of Laporte, Duzan, Edmonson, Herriman, Hutton, Jones, Lane, Leviston, Major, Parks, Read, Rippey, Ritchey, Rockhill, Tannehill, and Wood—20.

So the bill was ordered to lie upon the table.

No. 69. A bill to extend the June term of the board doing county business in the county of Randolph;

Was read a second time, and ordered to be engrossed.

On motion by Mr. Pennington,

The Senate adjourned.

2 *o'clock*, *P. M.*

The Senate assembled.

ORDERS OF THE DAY CONTINUED.

No. 70. A bill to locate a State road in Allen county;

Was read a second time and ordered to be engrossed.

No. 71. A bill in relation to sales of real estate, by executors and administrators;

Was read a second time and ordered to be engrossed.

No. 79. A bill to repeal an act entitled, an act for the better improvement of the important State roads in the counties of Allen, Dekalb, Noble, Huntington, and Wells, approved Jan. 15, 1844;

Was read a second time and ordered to be engrossed.

No. 81. A bill providing for the election of Secretary of State and State Librarian;

Was read a second time.

Mr. Edmonson moved to amend the bill, by striking out all that part relating to State Librarian;

Which was disagreed to.

Mr. Chapman of Laporte, moved to refer the bill to the committee on elections,

Which was disagreed to.

Mr. Chapman of Laporte, then moved to refer the bill to the committee on the judiciary.

The ayes and noes being desired by two Senators,

Those who voted in the affirmative are,

Messrs. Akin, Berry, Carr, Chapman of Daviess, Chapman of Laporte, Duzan, Edmonson, Herriman, Hutton, Jackson, Jones, Kennedy, Lane, Leviston, Major, Miller, Morgan of Decatur, Parks, Read, Rippey, Ritchey, Rockhill, Tannehill, and Wood—24.

Those who voted in the negative are,

Messrs. Alexander, Allison, Bowers, Bradbury, Buell of Dearborn, Buell of Warren, Coffin, Cotton, Davis, Defrees, Dole, Ewing, Farmer, Hamer, Henry, Hodge, Holloway, Moore, Morgan of Rush, Orth, Pennington, Stanford, and Todd—23.

So the bill was referred.

BILLS ON THIRD READING.

No. 33. A bill to repeal in part, an act entitled, "an act to restrict the session of the grand jury to three days at each term of the Hancock circuit court, approved January 15th, 1844;"

Was read a third time and passed.

No. 19. A bill to authorize the treasurer of Dubois county to perform the duties of school commissioner;

Was read a third time and passed.

Ordered, That the Secretary notify the House of the passage of said bills, and ask their concurrence therein.

No. 30. A bill to regulate the pay of grand and petit jurors;

Was read a third time and passed.

Ordered, That the Secretary notify the House thereof, and ask their concurrence.

No. 31. A joint resolution in relation to the completion of the Wabash and Ohio canal.

Mr. Berry moved the previous question,

Which was seconded by the Senate.

And, on the question, Shall the main question be now put?

The ayes and noes being desired by two Senators,

Those who voted in the affirmative are,

Messrs. Akin, Allison, Berry, Bradbury, Buell of Dearborn, Carr, Chapman of Daviess, Chapman of Laporte, Coffin, Cotton, Duzan, Edmonson, Farmer, Herriman, Jackson, Jones, Kennedy, Lane, Leviston, Major, Miller, Parks, Read, Rippey, Ritchey, Tannehill, Todd and Wood—28.

Those who voted in the negative are,

Messrs. Alexander, Bowers, Buell of Warren, Ewing, Hamer, Henry, Hodge, Holloway, Moore, Morgan of Decatur, Morgan of Rush, Orth, Pennington, and Stanford—14.

So the Senate ordered the main question;

And the joint resolution

Was read a third time and passed.

Ordered, That the Secretary notify the House of the passage of the joint resolution, and ask their concurrence therein.

No. 3. A bill supplemental to an act entitled, an act for the relief of Nathan Burchfield, approved February 11, 1843;

No. 16. A bill to amend an act, entitled "an act to incorporate the Lawrenceburgh and Napoleon turnpike company, approved February 18, 1840;"

No. 20. A bill to authorize the board of commissioners of Marion county to settle with John Elder, late surplus revenue agent, and for other purposes;

No. 34. A joint resolution in relation to the improvement of the Wabash river;

No. 35. A bill to change the name of Cornelia Minerva Nevius, to Cornelia Minerva Warner;

No. 42. A bill to extend certain privileges in an act herein named;

Were severally read a third time, and passed.

Ordered, That the Secretary inform the House of the passage of the said bills and joint resolution, and ask their concurrence therein.

No. 27. A bill to revive and amend an act, entitled "an act to incorporate the Richmond and Boston turnpike company.

On the question, Shall the bill be read a third time and passed?

The ayes and noes being desired by two Senators:

Those who voted in the affirmative are,

Messrs. Akin, Alexander, Allison, Bowers, Bradbury, Buell of Warren, Chapman of Daviess, Coffin, Cotton, Davis, Defrees, Dole, Ewing, Farmer, Goodenow, Hamer, Henry, Hodge, Holloway, Leviston, Moore, Morgan of Decatur, Morgan of Rush, Orth, Pennington, Stanford, Tannehill, Todd and Wood—29.

Those who voted in the negative are,

Messrs. Berry, Buell of Dearborn, Carr, Chapman of Laporte, Duzan, Edmonson, Herriman, Hutton, Jackson, Jones, Kennedy, Lane, Major, Miller, Parks, Read, Rippey, Ritchey and Rockhill—19.

So the bill was read a third time and passed.

Ordered, That the Secretary inform the House thereof, and ask their concurrence.

No. 14. A bill to legalize certain proceedings therein named.

Mr. Edmonson moved to refer the bill to the committee on the judiciary, with instructions to enquire whether or not all the acts of the company are legalized by the provisions of the bill;

Which was disagreed to.

On the question, shall the bill pass?

The ayes and noes being desired by two Senators;

Those who voted in the affirmative are,

Messrs. Alexander, Allison, Bowers, Bradbury, Buell of Warren, Carr, Coffin, Cotton, Davis, Defrees, Dole, Ewing, Farmer, Hamer, Hodge, Holloway, Jones, Leviston, Moore, Morgan of Rush, Orth, Parks, Stanford, Tannehill, Todd and Wood—26.

Those who voted in the negative are,

Messrs. Akin, Berry, Buell of Dearborn, Chapman of Daviess, Chapman of Laporte, Duzan, Edmonson, Goodenow, Henry, Herriman, Hutton, Jackson, Kennedy, Lane, Major, Miller, Morgan of Decatur, Read, Rippey, Ritchey and Rockhill—21.

So the bill passed.

No. 45. A bill to change a county road to a State road in Sullivan county.

No. 47. A bill to incorporate a Presbyterian church in Wells county.

No. 48. A bill to ratify the proceedings of the common council of the city of Fort Wayne.

No. 50. A bill to incorporate the German military band of Indianapolis;

No. 58. A bill fixing the time of holding the circuit courts in the second judicial circuit.

Were severally read the third time, and passed.

Ordered, That the Secretary notify the House of the passage of said bills, and ask their concurrence therein.

House bill No. 27. Entitled "an act for the relief of Jacob Aughe of Warren county," and

House bill No. 9. Entitled "an act to change the name of the town of Palestine, to that of Poseyville;

Were severally read the third time, and passed.

Ordered, That the Secretary inform the House thereof.

Mr. Orth moved to take from the table,

No. 13. A bill to provide for the inspection of whiskey, and for other purposes.

Which was agreed to.

On motion by Mr. Orth,

The bill was read a third time, and passed.

Ordered, That the Secretary inform the House of the passage thereof, and ask their concurrence.

Mr. Aiken moved to take from the table, the report submitted this morning by him, as from the committee on the State Bank;

Which was agreed to.

Mr. Read moved, that the Senate concur in the report of the committee;

The ayes and noes being desired by two Senators;

Those who voted in the affirmative are,

Messrs. Akin, Allison, Berry, Bowers, Buell of Dearborn, Carr, Chapman of Daviess, Coffin, Cotton, Defrees, Dole, Duzan, Edmonson, Ewing, Farmer, Goodenow, Henry, Herriman, Hodge, Hutton, Jackson, Jones, Kennedy, Lane, Leviston, Major, Morgan of Rush, Orth, Parks, Read, Rippey, Ritchey, Stanford, Tannehill, Todd and Wood—36.

Those who voted in the negative are,

Messrs. Alexander, Bradbury, Chapman of Laporte, Davis, Hamer, Holloway, Miller, Moore, Pennington, and Rockhill—10.

So the report of the committee was concurred in.

Leave being granted;

Mr. Herriman introduced,

No. 92. A bill to amend an act therein named.

Which was read; and

On motion by Mr. Chapman of Laporte;

The rule of the Senate was suspended, the bill was read a second time, and ordered to be engrossed.

Mr. Ritchey submitted for the consideration of the Senate, a communication from George C. Chandler, President of the board of

trustees of the Indiana Baptist Manual Labor Institute, on the subject of a change of the name of the institution; which,

On motion by Mr. Ritchey;

Was referred to the committee on education.

Mr. Duzan, from the committee on enrolled bills, submitted the following report:

MR. PRESIDENT:

The committee on enrolled bills, have compared the following enrolled, with the engrossed bill of the House of Representatives, and have found the same correctly enrolled, to-wit:

No. 1. An act to vacate a certain alley in the town of West Logan, and for other purposes.

Mr. Duzan, from the committee on enrolled bills, submitted the following report:

MR. PRESIDENT:

The committee on enrolled bills, have compared the following enrolled, with the engrossed bllls of the Senate, and have found the same correctly enrolled, to-wit:

No. 8. An act to repeal the "act incorporating the draw bridge company at Terre-Haute, in Vigo county, approved January 15, 1844.

No. 24. An act for the relief of Wilson McConnell, of Elkhart county.

No. 28. An act to amend an act, entitled "an act to locate a State road in Sullivan and Greene counties, approved January 15, 1844."

Mr. Duzan, from the committee on enrolled bills, made the following report:

MR. PRESIDENT:

The joint committee on enrolled bills, did, on the 19th instant, present to His Excellency the Governor, for his approbation and signature, the following enrolled bill of the House of Representatives, to-wit:

No. 1. An act to vacate a certain alley in the town of West Logan, and for other purposes.

On motion by Mr. Orth,

The Senate adjourned.

WEDNESDAY MORNING, DECEMBER 18, 1844.

The Senate assembled.

The journal of the preceding day was read.

The President laid before the Senate the annual report of E. F. Lucas, agent of the Wabash and Erie Canal.

On motion by Mr. Orth,

Ordered, That the report lie upon the table, and 500 copies thereof be printed for the use of the Senate.

Mr. Coffin submitted remonstrances from sundry citizens of Parke, remonstrating against the formation of a new county, and against severing the county of Parke for that purpose;

Which were ordered to lie upon the table.

Mr. Chapman of Daviess, presented the petition of Elijah Masters, praying the general assembly to order certain money to be refunded;

Which was referred to the committee on claims.

Mr. Defrees asked and obtained leave to withdraw from the files, the petition of E. B. Crocker and others, on the subject of repealing certain laws and parts of laws, on the subject of negroes and mulattoes.

Mr. Hodge presented the petition of Elijah Huston and others, citizens of the counties of Randolph and Delaware, on the subject of confining voters to their townships;

Which was referred to the committee on elections.

Mr. Dole presented the petition of sundry citizens of the counties of Vermillion and Parke, on the subject of a State road therein named;

Which was referred to a select committee.

Ordered, That the select committee consist of Messrs. Dole, Akin and Carr.

Mr. Chapman of Laporte, chairman of the committee on the judiciary, submitted the following report:

MR. PRESIDENT:

The committee on the judiciary, to which was referred the petition of John Dumont, asking compensation as prosecuting attorney, and the report of the committee on claims in reference thereto, have had the same under consideration, and have directed me report that it is inexpedient to legislate upon the subject matter of said petition.

Ordered, That the report of the committee be concurred in.

Mr. Chapman of Laporte, chairman of the committee on the judiciary, submitted the following report:

MR. PRESIDENT:

The committee on the judiciary, to which was referred bill of the Senate, No. 74, entitled "a bill providing compensation to supervisors of roads and highways," have had the same under consideration, and have directed me to report the same back without amendment, and recommend its passage.

Ordered, That the report of the committee be concurred in.

The bill was then read a second time, and ordered to be engrossed.

Mr. Carr, from the judiciary committee, submitted the following report:

MR. PRESIDENT:

The judiciary committee, to whom was referred bill of the Senate No. 40, entitled a bill to repeal an act, entitled "an act to change the mode of selecting petit jurors in Jackson and Bartholomew counties, and for other purposes, approved December 29, 1841," so far as it relates to Jackson county, have, according to order, had the same under consideration, and have directed me to report the bill back to the Senate without amendment, and recommend its passage.

Ordered, that the report of the committee be concurred in.

The bill was then read a second time, and ordered to be engrossed.

Mr. Ewing moved a re-consideration of the vote concurring in the report of the judiciary committee, in relation to John Dumont;

Which was agreed to.

The question then arising,

Will the Senate concur in the report of the committee on the judiciary, in relation to the claim of John Dumont?

It was decided in the affirmative.

Mr. Stanford, chairman of the committee on education, submitted the following report:

MR. PRESIDENT:

The committee on education, to whom was referred two resolutions—one directing an enquiry in relation to the Bank tax fund, and the other instructing said committee to report a bill providing for the distribution of the Saline fund among the several counties, have, according to order, had said resolutions under consideration, and have directed me to report the accompanying bill, embracing both subjects.

Ordered, That the report of the committee be concurred in.

No. 93. A bill providing for the distribution of the Saline and Bank tax funds among the several counties in this State;

Was read, and ordered to a second reading.

Mr. Stanford, chairman of the committee on education, submitted the following report:

MR. PRESIDENT:

The committee on education, to whom was referred a resolution of the Senate, directing an enquiry as to the expediency of so amending the 73d section of the 15th chapter of the Revised Code of 1843, as to give to *all* house-holders the right to vote at the meetings of the inhabitants of school districts, have had that subject under consideration, and have directed me to report, that in their opinion, such a change would be injurious to the common school system.

Ordered, That the report of the committee be concurred in.

Mr. Stanford, chairman of the committee on education, submitted the following report:

MR. PRESIDENT:

The committee on education, to whom was referred bill No. 43 of the Senate, entitled "a bill providing for establishing school district libraries," have had that subject under consideration, and are of opinion that the object of the bill is already provided for by law. They would therefore recommend that the further consideration of the bill be postponed indefinitely.

Ordered, That the report of the committee be concurred in, and the further consideration of said bill indefinitely postponed.

Mr. Stanford, chairman of the committee on education, submitted the following report:

MR. PRESIDENT:

The committee on education, to whom was referred the petition of Wampler and others, asking for the passage of an act allowing the examiners of common school teachers fifty cents each for every certificate of qualification, to be paid by the applicant, have considered the same, and are of opinion that further legislation on that subject is inexpedient.

Ordered, That the report of the committee be concurred in.

Mr. Allison asked and obtained leave to withdraw from the files the petition of Wampler and others on that subject.

Mr. Lane, chairman of the committee on claims, submitted the following report:

MR. PRESIDENT:

The committee on claims, to whom was referred bill of the Senate No. 38, entitled, "A bill for the relief of Francis Linch and Bayless Bennett, of Vanderburgh county," have had the same under consideration, and have directed me to report the bill back, without amendment, and recommend its passage.

The bill was then read for information, and ordered to be engrossed.

Mr. Defrees, from the select committee appointed to consider the subject of a plan of liquidating the State debt, made a report, accompanied by a bill. [For the report and bill, see Documentary Journal.]

No. 94. A bill for the payment of the State debt, the payment of the interest thereon, and for other purposes.

Mr. Chapman of Laporte moved to lay the report and bill upon the table, and that 500 copies of the report and 100 copies of the bill be printed for the use of the Senate.

Mr. Ewing moved to amend the motion by striking out "100," and inserting in lieu thereof "500;"

Which was agreed to.

And the motion by Mr. Chapman was agreed to.

Leave being granted,

Mr. Lane, chairman of the committee on claims, submitted the following report:

MR. PRESIDENT:

The committee on claims, to which was referred a bill of the House No. 78, entitled, "An act for the relief of Daniel Wise," have had the same under consideration, and have directed me to report the same back to the Senate, without amendment, for their consideration:

Ordered, That the report of the committee be concurred in.

The bill was then read a second time, and,

On motion by Mr. Davis,

Was amended by striking out of the first section the words, "and fifty-nine dollars and seventy-two cents his costs."

Mr. Jackson moved to suspend the rule of the Senate and read the bill a third time now;

Which was not agreed to.

Mr. Ewing moved to lay the bill upon the table;

Which was disagreed to.

The bill, as amended, was then ordered to a third reading.

Mr. Parks submitted the following resolution:

Resolved, That the Senate will, the House of Representatives concurring therein, proceed, at ten o'clock, on Friday, the 20th instant,

to elect President Judges for the first, second, and third judicial circuits.

Mr. Chapman of Laporte moved to amend the resolution by striking out the words "ten o'clock on Friday the 20th instant," and insert in lieu thereof the words "two o'clock, P. M., of this day;"

Which was accepted by the mover.

Mr. Morgan of Decatur moved to amend the resolution by striking out the words "at two o'clock, P. M., of this day," and inserting in lieu thereof, "at ten o'clock, A. M., on Monday next."

Mr. Herriman called for a division of the question.

And the question being on striking out,

The ayes and noes were desired by two Senators.

Those who voted in the affirmative are,

Messrs. Alexander, Bowers, Bradbury, Buell of Warren, Coffin, Cotton, Davis, Defrees, Dole, Ewing, Goodenow, Hamer, Hodge, Holloway, Moore, Morgan of Decatur, Morgan of Rush, Orth, and Todd—19.

Those who voted in the negative are,

Messrs. Akin, Allison, Berry, Buell of Dearborn, Carr, Chapman of Daviess, Chapman of Laporte, Duzan, Edmonson, Farmer, Henry, Herriman, Hutton, Jackson, Jones, Kennedy, Lane, Leviston, Major, Miller, Parks, Pennington, Read, Rippey, Ritchey, Rockhill, Stanford, Tannehill, and Wood—29.

So the Senate refused to strike out.

And the question recurring upon the passage of the resolution,

The ayes and noes were desired by two Senators, and were as follows:

Those who voted in the affirmative are,

Messrs. Akin, Alexander, Allison, Berry, Bowers, Bradbury, Buell of Dearborn, Buell of Warren, Carr, Chapman of Daviess, Chapman of Laporte, Coffin, Cotton, Davis, Dole, Duzan, Edmonson, Farmer, Goodenow, Hamer, Henry, Herriman, Hodge, Hutton, Jackson, Jones, Kennedy, Lane, Leviston, Major, Miller, Moore, Morgan of Rush, Parks, Pennington, Read, Rippey, Ritchey, Rockhill, Stanford, Tannehill, and Wood—42.

Those who voted in the negative are,

Messrs. Defrees, Ewing, Holloway, Morgan of Decatur, Orth, and Todd—6.

So the resolution was adopted.

Mr. Morgan of Decatur submitted the following resolution:

Resolved, That the committee on elections be instructed to enquire into the expediency of providing by law for taking the enumeration of the white male inhabitants of the State agreeably to the provision of the second section of the third article of the constitution of the State of Indiana; with leave to report by bill or otherwise.

Which was adopted.

Mr. Allison submitted the following resolution:

Resolved, That the committee on education be instructed to enquire into the expediency of repealing sections 133, 134, and 135, of chapter fifteen of the Revised Statutes of 1843, and of amending the school law so as to allow the district trustees, or of making it obligatory upon them, to appoint a competent board of examiners, whose duty it shall be to examine any and all teachers who may make application to teach a school in any district, with such other regulations in relation to the same as may be necessary; with leave to report by bill or otherwise;

Which was adopted.

Mr. Morgan of Rush submitted the following resolution:

Resolved, That the judiciary committee be instructed to enquire whether the clerks' fees are not much higher in the probate courts than in either civil or criminal cases in the circuit courts; and if so, what reason exists for taxing widows and orphans with higher fees than others have to pay; and if no such reason does exist, that they be instructed to report a bill reducing clerks' fees in probate courts to a level with their fees in the circuit courts, for an equal amount of service, or as nearly so as practicable;

Which was adopted.

Leave being granted,

Mr. Ritchey, from the committee on education, submitted the following report:

MR. PRESIDENT:

The committee on education, to whom was referred a communication from George C. Chandler, President of the Board of Trustees of the Indiana Baptist Manual Labor Institute, asking a change in the name of the institution over which he has charge, have had the same under consideration and directed me to report the following bill and recommend its passage.

No. 95. A bill to change the name of the Indiana Baptist Manual Labor Institute to that of "Franklin College;"

Which was read.

On motion by Mr. Ritchey,

The rule of the Senate was suspended, the bill read a second and third times, and passed.

Ordered, That the Secretary notify the House thereof, and ask their concurrence.

A message from the House of Representatives, by Mr. Farquhar, their clerk:

MR. PRESIDENT:

The Speaker of the House of Representatives has signed the following enrolled bills of the Senate, viz:

No. 8. An act to repeal the act incorporating the Draw-Bridge Company, at Terre Haute in Vigo county, approved Jan. 15, 1844;

No. 24. An act for the relief of Wilson McConnell of Elkhart county;

No. 28. An act to amend an act entitled, "An act to locate a State road in Sullivan and Greene counties," approved January 15, 1844;

Which I have been directed to bring to the Senate for the signature of the President thereof.

And thereupon the President signed said enrolled bills;

And they were delivered to the joint committee on enrolled bills to be presented to His Excellency the Governor for his approbation and signature.

A message from the House by Mr. Farquhar, their Clerk:

MR. PRESIDENT:

The Speaker of the House of Representatives has signed the following enrolled bill of the Senate, viz.:

No. 66. An act regulating the election of President Judges;

Which I am instructed to bring to the Senate for the signature of the President.

And thereupon the President affixed his signature to said bill;

And it was delivered to the committee on enrolled bills, to be presented to His Excellency the Governor for his approval and signature.

Message from the House of Representatives by Mr. Grubbs, one of its members:

MR. PRESIDENT:

The Speaker of the House has signed an enrolled joint resolution of the Senate,

No. 11. A joint resolution reviving in part a certain act therein named;

Which I am directed to bring to the Senate for the signature of the President.

And thereupon the President affixed his signature to said joint resolution;

And it was delivered to the committee on enrolled bills, to be presented to His Excellency the Governor for his approval and signature.

On motion by Mr. Read,

The annual report of the President of the State Bank, and also his report in answer to a resolution of enquiry by the Senate, were taken from the table and referred to the committee on the State Bank.

Mr. Akin submitted the following resolution:

Resolved, That the committee on the State Bank be directed to enquire into the expediency of granting to the State Bank authority to continue the issue of notes of a less denomination than five dollars;

Which was adopted.

Mr. Bowers introduced,

No. 96. A bill to extend the time for the treasurer of Boone county to distrain property for the non-payment of taxes;

Which was read and ordered to a second reading.

Mr. Miller introduced,

No. 97. A bill to declare a certain road therein named a State road;

Which was read and ordered to a second reading.

The Senate then proceeded to the Orders of the Day.

ON A THIRD READING.

No. 67. A bill to amend an act entitled, "An act authorizing the sale of certain land in Dubois county;"

No. 69. A bill to extend the June term of the board doing county business in the county of Randolph;

No. 70. A bill to locate a State road in Allen county;

No. 71. A bill in relation to sales of real estate by executors and administrators;

No. 79. A bill to repeal an act entitled, "An act for the better improvement of the important State roads in the counties of Allen, DeKalb, Noble, Huntington, and Wells," approved Jan. 15, 1844;

No. 52. A bill to change the time of holding probate courts in Dearborn county;

No. 62. A bill to restrict the county commissioners in the counties of Lagrange and Noble, in levying a tax, to fifty cents on the one hundred dollars valuation;

No. 91. A bill to amend an act entitled, "An act to locate certain State roads therein named, and for other purposes," approved Jan. 15, 1844;

No. 92. A bill to amend an act therein named;

Were severally read a third time and passed.

Ordered, That the Secretary inform the House of the passage of said bills and ask their concurrence.

ON A SECOND READING.

No. 82. A bill relative to the office of county treasurer;

Was read a second time and ordered to be engrossed.

No. 83. A bill to locate a State road in the county of Switzerland;

Was read a second time and ordered to be engrossed.

No. 84. A bill to alter the times of holding the circuit courts in the county of Marion;

Was read a second time, and,

On motion by Mr. Todd,

The rules of the Senate were suspended,

The bill read a third time, and passed.

Ordered, That the Secretary inform the House thereof and ask their concurrence.

No. 86. A bill to amend the thirteenth section of an act entitled, "An act to amend an act entitled, 'an act supplemental to an act subjecting real and personal property to execution,'" approved Feb. 11, 1843;

Was read a second time, and,

On motion by Mr. Chapman of Laporte,

Was referred to the judiciary committee.

House bill No. 13. A bill supplemental to an act entitled, "An act to change a State road in Sullivan county," approved January 15, 1844.

Mr. Ewing moved to lay the bill upon the table.

The ayes and noes being desired by two Senators,

Those who voted in the affirmative are,

Messrs. Alexander, Bradbury, Cotton, Ewing, Farmer, Goodenow, Hamer, Henry, Hodge, Holloway, Moore, Morgan of Decatur, and Stanford—13.

Those who voted in the negative are,

Messrs. Akin, Berry, Bowers, Buell of Dearborn, Carr, Chapman of Daviess, Chapman of Laporte, Coffin, Duzan, Edmonson, Herriman, Jackson, Kennedy, Lane, Leviston, Major, Miller, Morgan of Rush, Pennington, Read, Rippey, Ritchey, Rockhill, Tannehill, Todd, and Wood—26.

So the motion to lay upon the table was disagreed to.

On motion by Mr. Morgan of Rush,

The bill was referred to the committee on roads.

On motion by Mr. Edmonson,

The order of business was suspended, the report of the commissioners of the sinking fund was taken from the table and referred to the committee on the State Bank.

House bill No. 17, entitled, "An act to change the time of holding probate courts in the county of Daviess;"

Was read a second time and ordered to a third reading.

House bill No. 22, entitled, "An act to extend the time of the county board in Jefferson county;"

Was read a second time and ordered to a third reading.

House bill No. 26, entitled, "An act relating to Jackson township in Washington county;"

Was read a second time and ordered to a third reading.

On motion by Mr. Chapman of Laporte,

The Senate adjourned.

2 o'clock, P. M.

The Senate assembled.

Message from the House by Mr. Farquhar, their Clerk:

MR. PRESIDENT:

I am directed by the House of Representatives, to inform the Senate that the House has passed engrossed bills thereof, entitled as follows:

No. 2. An act providing for the loaning of the school funds of Clay and Posey counties;

No. 4. An act relative to the appointment of the board of commissioners of Grant county, to act as a board of library trustees of said county, and for other purposes;

No. 7. An act to repeal a portion of an act, entitled "an act declaring Patoka a public highway, and for other purposes, so far as relates to the county of Pike;

No. 10. An act to amend an act to incorporate the Porter county manufacturing company, approved January 13, 1844;

No. 11. An act in relation to patents to purchasers of lands in the reserved townships in Gibson and Monroe, and of the Saline lands;

No. 18. An act to authorize the holding a special election in Gibson county;

No. 19. An act to legalize the official acts of the commissioners of the Wabash and Erie canal;

No. 24. An act to amend an act entitled, an act abolishing docket fees, dispensing with final records in certain cases, approved January 28, 1843;

No. 25. An act to change the name of James Cowdrey Smith;

No. 127. An act to provide for the election of Secretary of State and State Librarian;

In which I am directed to ask the concurrence of the Senate.

The House has also passed, without amendment, engrossed bills of the Senate, entitled as follows:

No. 9. An act relative to the fall terms of the circuit courts in the 12th judicial circuit, and for other purposes;

No. 80. An act to provide for a special session of the Whitley circuit court;

The House has concurred in the amendment of the Senate to the amendment of the House to engrossed bill of the Senate entitled,

No. 7. An act to extend the time of holding probate courts in the counties of Washington, Ripley, and Jefferson.

House bill No. 2, entitled, an act providing for the loaning of the school funds of Clay and Posey counties; also,

House bill No. 4, entitled, an act relative to the appointment of the board of commissioners of Grant county, to act as a board of library trustees of said county, and for other purposes; also,

House bill No. 7, entitled, an act to repeal a portion of an act entitled, an act declaring Patoka a public highway, and for other purposes, so far as it relates to the county of Pike;

Contained in the foregoing message, were severally read and ordered to a second reading.

House bill No. 10, entitled, an act to amend an act to incorporate the Porter county manufacturing company, approved Jan. 13, 1844, was read.

On motion by Mr. Herriman,

The rule of the Senate was suspended,

The bill read a second time and ordered to a third reading.

House bill No. 11, entitled, an act in relation to patents to purchasers of lands in the reserved townships in Gibson and Monroe, and of the saline lands, contained in the foregoing message,

Was read and ordered to a second reading.

House bill No. 18, entitled, an act to authorize the holding a special election in Gibson county;

Was read, and,

On motion by Mr. Edmonson,

The rule of the Senate was suspended,

The bill read a second time and ordered to a third reading.

House bill No. 19, entitled, an act to legalize the official acts of the commissioners of the Wabash and Erie canal,

Contained in the foregoing message,

Was read, and,

On motion by Mr. Ewing,

The rule of the Senate was suspended,

The bill read a second time and referred to the committee on the judiciary.

House bill No. 24, entitled, an act to amend an act entitled, an act abolishing docket fees, dispensing with final records, in certain cases, approved January, 28, 1843, contained in the foregoing message, was read, and,

On motion by Mr. Chapman of Laporte,

The rule of the Senate was suspended,

The bill read a second time, and referred to the committee on the judiciary.

House bill No. 25, entitled, an act to change the name of James Cowdrey Smith, contained in the foregoing message, was read, and,

On motion by Mr. Ewing,

The rule of the Senate was suspended,

And the bill read a second time.

Mr. Ewing moved to refer the bill to the committee on the judiciary,

Which was not agreed to.

The bill was then ordered to a third reading.

House bill No. 127, entitled, an act to provide for the election of Secretary of State and State Librarian, contained in the foregoing message,

Was read and ordered to a second reading.

Message from the House by Mr. Robinson, one of its members.

MR. PRESIDENT:

I am directed to inform the Senate that the House of Representatives have reciprocated the resolution of the Senate, fixing the time for going into the election of judges in the 1st, 2d, and 3d judicial circuits, with the following amendment:

Strike out two o'clock and insert three o'clock this day.

Ordered, That the amendment of the House to the resolution of the Senate, contained in the foregoing message, be concurred in, and that the Secretary notify the House of Representatives accordingly.

Mr. Duzan, from the committee on enrolled bills, submitted the following report:

MR. PRESIDENT:

The committee on enrolled bills have compared the following enrolled with engrossed bills of the Senate, and have found the same correctly enrolled, to-wit:

No. 66. An act regulating the election of president judges;

No. 44. An act providing for a special term of the Shelby circuit court;

No. 37. A joint resolution on the subject of Robert Downey's improved method of manufacturing leather;

No. 10. An act to vacate a part of a State road in the county of Noble;

No. 5. An act relative to the collection of taxes in the town of Rising Sun;

No. 1. An act to vacate a part of the town of Mongoquinong in the county of Lagrange.

Mr. Duzan, from the committee on enrolled bills, submitted the following report:

MR. PRESIDENT:

The joint committee on enrolled bills, did, on the 18th instant, present his Excellency the Governor, for his approbation and signature, the following enrolled bill of the Senate, to-wit:

No. 66. An act regulating the election of president judges.

Message from his Excellency the Governor, by T. Brown Kinder, his private Secretary:

MR. PRESIDENT:

I am instructed by his Excellency the Governor, to inform the Senate, that he has this day signed and approved the following acts:

No. 66. An act regulating the election of president judges;

No. 24. An act for the relief of Wilson McConnell, of Elkhart county;

No. 28. An act to amend an act, entitled, an act to locate a State road in Sullivan and Greene counties, approved January 15, 1844;

No. 8. An act to repeal the act incorporating the draw bridge company at Terre Haute, in Vigo county, approved Jan. 15, 1844;

All of which originated in the Senate.

Mr. Hamer submitted the following resolution:

Resolved, That the President of the State Bank be requested to report to the Senate, the amount of the dividends, each year, at the Bedford Branch, since the commencement; stating, also, the average of such dividends during that period;

Which was adopted.

Mr. Allison submitted the following preamble and resolutions:

WHEREAS, to-morrow, (Thursday,) being the day set apart and proclaimed by his Excellency the Governor, as a day of general thanksgiving throughout the State of Indiana, therefore,

Be it resolved, That when the Senate adjourns, it will adjourn to meet on Friday morning at 9 o'clock:

Resolved, That the House be informed of the passage of this resolution:

Which were adopted.

Leave being granted,

Mr. Morgan of Rush introduced,

No. 98. A bill to secure to recorders their fees in certain cases;

Which was read a first time and ordered to a second reading.

Message from the House of Representatives, by Mr. Robinson, one of its members.

MR. PRESIDENT:

I am directed to inform the Senate that the House has adopted the following resolution, to-wit:

Resolved, That the Senate be invited to attend, instanter, in the Hall of the House of Representatives, to go into joint convention for the purpose of electing president judges in the 1st, 2d, and 3d judicial circuits, and that seats be provided on the right of the Speaker's chair.

Whereupon the Senate proceeded to the Hall of the House of Representatives for the purpose of going into joint convention to elect president judges of the 1st, 2d, and 3d judicial circuits.

The Convention then proceeded to ballot for president judge in the first judicial circuit;

Messrs. Ritchey and Davis acting as tellers on the part of the Senate, and Messrs. Hostetter and Hodges on the part of the House.

On counting the votes of the first ballot it appeared that

Isaac Naylor received	71 votes.
Daniel Mace received	73 votes.
—— Thompson received	1 vote.
Blank,	1 vote.

No one of the candidates having received a majority of all the votes given, the members of the convention proceeded to ballot a second time.

And on counting the votes of the second ballot it appeared that

Isaac Naylor received	74 votes.
Daniel Mace received	71 votes.
Blank,	1 vote.

Isaac Naylor having received a majority of all the votes given, was declared by the President duly elected president judge in the 1st judicial circuit, for the term of seven years, from and after the 21st day of January, 1845.

The Convention then proceeded to ballot for a president judge in the second judicial circuit.

Upon counting the ballots, it appeared that

John H. Thompson received	52 votes.
William T. Otto received	48 votes.
John W. Payne received	34 votes.
T. L. Smith received	1 vote.
Blank,	11 votes.

No one of the candidates having received a majority of all the votes given, the Convention proceeded to ballot a second time.

On counting the second ballot it appeared that

William T. Otto received	65 votes.
John H. Thompson received	50 votes.

John W. Payne received	22 votes.
T. L. Smith received	5 votes.
Blank,	3 votes.

No one of the candidates having received a majority of all the votes given, the Convention proceeded to ballot a third time.

And on counting the votes it appeared that

William T. Otto received	77 votes.
John H. Thompson received	47 votes.
John W. Payne received	14 votes.
Blank,	4 votes.

William T. Otto having received a majority of all the votes given, was declared by the President duly elected president judge of the 2d judicial circuit for the term of seven years, from and after the 30th of December, A. D. 1844.

The Convention then proceeded to ballot for a president judge in the third judicial circuit.

And upon counting the first ballot it appeared that

David Macy received	67 votes.
Courtland Cushing received	37 votes.
George Holland received	13 votes.
J. C. Eggleston received	11 votes.
John Ryman received	11 votes.
Monroe McCarty received	2 votes.
Blank,	1 vote.

No one having received a majority of all the votes given, the Convention proceeded to a second balloting.

And upon counting the second ballot it appeared that

Courtland Cushing received	65 votes.
David Macy received	65 votes.
John Ryman received	4 votes.
J. C. Eggleston received	3 votes.
George Holland received	2 votes.

No one having received a majority of all the votes given, the Convention proceeded to ballot a third time.

And on counting the third ballot it appeared that

Courtland Cushing received	76 votes.
David Macy received	61 votes.
Blank,	1 vote.

Courtland Cushing having received a majority of all the votes given, was declared by the President duly elected president judge of the 3d

judicial circuit, for the term of seven years, from and after the 18th day of December, A. D. 1844.

The Convention having gone through with its business, adjourned *sine die*.

The Senate then returned to the Senate Chamber, and,

On motion by Mr. Chapman of Laporte,

Adjourned.

FRIDAY MORNING, December 20, 1844.

The Senate assembled.

The Journal of the preceding day was read.

Mr. Davis presented the petition of William Clark and others, citizens of New Albany, on the subject of difficulties in the administration of the laws and collection of the revenue of the city of New Albany;

Which was referred to a select committee.

Ordered, That the committee be composed of Messrs. Davis, Goodenow, and Moore.

Mr. Edmonson moved to suspend the order of business and take from the files,

House bill No. 18, entitled, "An act to authorize the holding a special election in Gibson county;"

Which was agreed to.

The bill was then read a second time, and,

On motion by Mr. Orth,

The rule of the Senate was suspended,

The bill read a third time, and passed.

Ordered, That the Secretary inform the House thereof, and ask their concurrence.

Mr. Buell of Dearborn presented the memorial of Jacob Hays, on the subject of the suspension of the Lawrenceburgh Branch Bank, by the State Board, and asking relief of the General Assembly.

On motion by Mr. Defrees,

The memorial was referred to the committee on the State Bank.

Mr. Wood presented the petition of Robert Ross and others, citizens of the county of Randolph, on the subject of a State road in said county;

Which was referred to a select committee.

Ordered, That the select committee be composed of Messrs. Wood, Tannehill, and Leviston.

Mr. Farmer presented the petition of Catharine Owens, praying the passage of an act for her relief;

Which was referred to the committee on education.

Mr. Moore presented the remonstrances of John W. Nutt and others, remonstrating against the formation of a new county out of portions of the counties of Parke, Montgomery, and Putnam; which,

On motion by Mr. Moore,

Were ordered to lie upon the table.

Mr. Reyburn presented the petition of David Miller and others, citizens of Cass county, on the subject of the Wabash and Erie canal through the town of Lewisburgh, and praying the Legislature to make provision for bridges across said canal in said town;

Which was referred to the committee on canals and internal improvements.

Mr. Berry presented the petition of Thomas Murphy, of Franklin county, on the subject of his contract on the White-water canal, and praying for relief; which,

On motion by Mr. Berry,

Was referred to the committee on claims.

Mr. Duzan presented the petition of William E. Hillis and others, citizens of the county of Boone, asking remuneration to Jacob Jones, for the erection of a bridge on the Michigan road, north of Indianapolis;

Which was referred to the committee on claims.

Mr. Bradbury presented the petition of Morgan McMasters on the subject of the construction of the Noland's Fork Canal;

Which was referred to the committee on canals and internal improvements.

Mr. Rockhill, chairman of the committee on elections, submitted the following report:

Mr. President:

The committee on elections, to whom was referred bill of the Senate No. 2, entitled, "A bill to confine voters to their respective townships," with sundry amendments thereto, and with instructions to define specifically what shall constitute a residence, have had the same under consideration, and have directed me to report the same back to the Senate, with an additional section as follows:

That hereafter that placce shall be considered to be the residence of a person, in which his habitation is fixed, and to which, whenever he is absent, he has the intention of returning; a person shall not be considered to have lost his residence who shall leave his home and go into another State for temporary purposes merely, when it is the

intention of such person to return immediately when he has accomplished such temporary object:

Nor shall a person be considered to have gained a residence in any county in this State into which he shall have come for temporary purposes merely, without the intention of making such county his home, but with the intention of leaving the same when he shall have got through with the business that brought him into such county:

The place where a married man's family resides shall generally be considered to be his residence, but if it is a place of temporary establishment for his family, or for transient objects, it shall be otherwise:

If a married man's family reside in one place, and he does business in another, the former shall be considered his place of residence:

The mere intention to acquire a new residence, without the fact of removal, shall avail nothing, neither shall the fact of removal without the intention:

If a person remove to another State, with an intention of making it his permanent place of residence, he shall be considered and held to have lost his residence in this State:

If a person remove to another State, with an intention of remaining there for an indefinite time, and as a place of present residence, he shall be considered to have lost his residence in this State, notwithstanding he may entertain an intention to return at some future period:

Or if a person shall go into another State, and while there exercise the right of a citizen by voting, he shall be considered and held to have lost his residence in this State.

Mr. Chapman of Laporte moved to lay the bill and amendment upon the table;

Which was disagreed to.

Mr. Pennington moved to refer the bill and amendment to the committee of the whole, and make it the order of the day for to-morrow at ten o'clock, A. M.;

Which was disagreed to.

Mr. Buell of Dearborn moved to refer the bill and amendment to the judiciary committee, and that said committee be instructed to report the bill to the Senate to-morrow morning, if practicable, with an amendment making the provisions of the bill confining voters to their own townships general.

The question was then taken on referring to the committee of the whole;

And was decided in the negative.

Mr. Chapman of Laporte moved to amend the instructions by adding, "And make such other amendments as they may in their judgment deem expedient;"

Which was accepted by the mover.

Mr. Morgan of Decatur moved to amend the instructions by adding, "And also to enquire into the constitutionality of such a law;"

Which was agreed to.

The bill, with the instructions, was then referred to the committee on the judiciary.

Message from the Governor by T. Brown Kinder, Esq.:

MR. PRESIDENT:

I am instructed by His Excellency, the Governor, to inform the Senate that he has this day signed and approved the following joint resolution:

No. 37. A joint resolution on the subject of Robert Downey's improved method of manufacturing leather;

Which originated in the Senate.

Mr. Stanford, chairman of the committee on education, submitted the following report:

MR. PRESIDENT:

The committee on education, to whom was referred a resolution of the Senate, directing an enquiry into the expediency of appropriating a part of the *saline* lands of Brown county to the support of poor and orphan schools, have had the same under consideration, and have directed me to report that, in their opinion, it would be highly improper to make invidious distinctions amongst our citizens, as contemplated by the resolution; and as that class of children designated in the resolution have free access to our common schools, and through that medium will participate in the benefits arising from the saline fund; therefore, the committee are of opinion that special legislation on the subject would be inexpedient.

Ordered, That the report of the committee be concurred in.

Mr. Orth, from the committee on military affairs, submitted the following report:

MR. PRESIDENT:

The committee on military affairs, to whom was referred the petition of numerous citizens of Tippecanoe county, in reference to shooting matches, have instructed me to present to the Senate the following bill, entitled, "A bill to revive the military spirit of Indiana," and respectfully ask its passage.

No. 99. A bill to revive the military spirit of Indiana;

Was read a first time.

Mr. Ewing moved to suspend the rule of the Senate and read the bill a second time now;

Which was not agreed to.

Ordered, That the bill pass to a second reading.

Mr. Buell of Dearborn, chairman of the committee on the State Bank, submitted the following report:

MR. PRESIDENT:

The State Bank committee have had under consideration the condition of the Branches, and find the Bedford Branch so much crippled in its operations by a large suspended, unproductive debt, as to destroy, in a very great degree, its means of usefulness. With a capital of one hundred and two thousand and eight hundred dollars, of which the State owns forty-four thousand one hundred and fifty dollars, shewing, by their late report, a debt, entirely inactive, of one hundred thousand dollars; from which cause, in connection with their inability to obtain in their district, (as your committee suppose) a sufficient amount of active business paper, has had the effect to limit their profits, in the last two years, to four per cent. in 1843, and three and a half per cent. in 1844, the consequence of which has been a loss of eight hundred and eighty dollars in 1843, and eleven hundred dollars in 1844, to the school fund; it being imperative on the sinking fund commissioners to pay from that fund any sum a Branch may fail to make, necessary to pay the interest on the State's part of the capital. These facts have satisfied your committee that justice demands a withdrawal of the capital of the State, in order that it may be applied to some purpose by which the State will derive a higher rate of interest: Wherefore,

Resolved, That in the opinion of the Senate the State capital in the Bedford Branch should be withdrawn, and they hereby advise the State Board to proceed, at their next quarterly meeting, to wind up the business of said Branch, under the authority given in the charter: *Provided*, That the State ought to receive of the Bedford Branch, in payment of S ate capital, no more of the five per cent. treasury notes than are now on hand; and in the collection of the debts due said Branch, should, so far as is consistent with their duty to the State and individual stockholders, carry out in good faith all engagements heretofore entered into between the Branch directors and debtors.

Mr. Morgan of Decatur moved to lay the report upon the table.

The ayes and noes being desired by two Senators,

Those who voted in the affirmative are,

Messrs. Alexander, Allison, Bowers, Bradbury, Buell of Warren, Chapman of Laporte, Coffin, Cotton, Davis, Defrees, Dole, Ewing, Farmer, Hamer, Hodge, Holloway, Hutton, Kennedy, Moore, Morgan of Decatur, Morgan of Rush, Orth, Parks, Pennington, Reyburn, Rockhill, Stanford, and Todd—28.

Those who voted in the negative are,

Messrs. Akin, Berry, Buell of Dearborn, Carr, Chapman of Daviess, Duzan, Edmonson, Goodenow, Henry, Herriman, Jackson, Jones, Lane, Leviston, Logan, Major, Miller, Read, Rippey, Ritchey, Tannehill, and Wood—22.

So it was ordered that the report lie upon the table.

Mr. Dole moved that Mr. Coffin be added to the select committee appointed on the subject of a State road in Parke and Vermillion counties.

On motion by Mr. Read,

Resolved, That the committee on the State Bank be instructed to enquire into the expediency of repealing all laws now in force creating bank districts, except in those districts where branches have been located, and are now in operation.

Mr. Orth submitted the following resolution:

Resolved, That the committee on the State Bank be instructed to enquire into the expediency of restricting and prohibiting the circulation of any note of a less denomination than ten dollars, in pursuance of the right so to do, reserved to the State in the charter of said Bank.

The ayes and noes being desired by two Senators:

Those who voted in the affirmative are,

Messrs. Akin, Buell of Dearborn, Buell of Warren, Carr, Chapman of Daviess, Chapman of Laporte, Coffin, Davis, Defrees, Duzan, Edmonson, Ewing, Farmer, Goodenow, Herriman, Hodge, Hutton, Jones, Major, Miller, Morgan of Decatur, Orth, Read, Rippey, Ritchey, Tannehill and Wood—27.

Those who voted in the negative are,

Messrs. Alexander, Allison, Bowers, Bradbury, Cotton, Dole, Hamer, Henry, Holloway, Jackson, Kennedy, Lane, Leviston, Logan, Moore, Morgan of Rush, Parks, Pennington, Reyburn, Rockhill, Stanford and Todd—22.

So the resolution was adopted.

On motion by Mr. Parks,

Resolved, That the committee on education be instructed to enquire into the propriety of so changing the Revised Statutes, chapter 15, sections 77 and 87 as to change the time of the county auditors making their divisions of the interest arising from the surplus revenue, and the time of township treasurers making their divisions among the several districts in their townships, with leave to report by bill or otherwise.

Message from the House by Mr. Farquhar, their clerk:

MR. PRESIDENT:

The Speaker of the House has signed the following enrolled bills of the Senate, viz:

No. 1. An act to vacate a part of the town of Mongoquinong in the county of Lagrange;

No. 5. An act relative to the collection of taxes in the town of Rising Sun;

No. 10. An act to vacate a part of a State road in the county of Noble;

No. 44. An act providing for a special term of the Shelby circuit court:

Also an enrolled joint resolution thereof, entitled

No. 37. A joint resolution on the subject of Robert Downey's improved method of manufacturing leather:

All of which I have been directed to bring to the Senate for the signature of the President.

Whereupon, the President affixed his signature to the said bills;

And they were delivered to the committee on enrolled bills, to be presented to his Excellency the Governor, for his approval and signature.

The House have adopted the following resolutions:

Resolved unanimously, That the House entertain the most profound regret for the melancholy demise of the Hon. Noah Noble—long a distinguished, faithful and beloved public servant of Indiana, and that they will treasure the memory of his virtues, his useful and patriotic career as a public servant, and of his amiable and generous private life.

Resolved unanimously, That the House tender the assurance of their warmest sympathies to the family of the deceased, in the deeply afflictive loss they have sustained.

Resolved unanimously, That the clerk inform the Senate of the adoption of these resolutions, and that the Speaker of this House be requested to cause an attested copy thereof to be transmitted to the family of the deceased.

Resolved unanimously, That the House, in token of their respect for the memory of the Hon. Noah Noble, do now adjourn.

The following resolution was then taken from the files for consideration:

Resolved, That the Senate will, the House concurring therein, proceed on Tuesday next, at ½ past 2 o'clock, P. M., in the Hall of the House of Representatives, to elect an United States' Senator, to fill the vacancy that will be occasioned by the expiration of the term of the Hon. Albert S. White, and that said election be conducted in all respects, according to laws existing immediately previous to the passage of the Revised Statutes of 1843.

Mr. Read moved to suspend the further consideration of the subject at present, and make it the special order of the day for the 30th instant.

Mr. Defrees submitted the following amendment to the resolution:

Strike out all after the word resolved, and insert in lieu thereof the following:

That the Senate will, the House concurring therein, proceed on Monday next, at 10 o'clock, A. M. to elect a United States' Senator to fill the vacancy which will be occasioned by the expiration of the term of the Hon. Albert S. White, whose term will expire on the third of March next.

Mr. Lane moved to lay the amendment upon the table.

The ayes and noes being desired by two Senators;

Those who voted in the affirmative are,

Messrs. Akin, Berry, Buell of Dearborn, Carr, Chapman of Daviess, Chapman of Laporte, Davis, Duzan, Edmonson, Herriman, Hutton, Jackson, Jones, Kennedy, Lane, Leviston, Major, Miller, Parks, Read, Rippey, Ritchey, Rockhill, Tannehill and Wood—25.

Those who voted in the negative are,

Messrs. Alexander, Allison, Bowers, Bradbury, Buell of Warren, Coffin, Cotton, Defrees, Dole, Ewing, Farmer, Goodenow, Hamer, Henry, Hodge, Holloway, Moore, Morgan of Decatur, Morgan of Rush, Orth, Pennington, Reyburn, Stanford and Todd—24.

So the amendment was ordered to lie upon the table.

Mr. Berry moved a call of the Senate;

Which was ordered.

The Secretary proceeded to call the roll of the Senate;

And reported one Senator absent.

On motion by Mr. Berry,

The absentee was sent for, and having made his appearance;

On motion by Mr. Lane,

The further call of the Senate was suspended.

Mr. Davis moved to amend the resolution, by striking out "½ past 2 o'clock," and inserting "10 o'clock."

The question being on the motion by Mr. Read to postpone until the 30th inst;

The ayes and noes being desired by two Senators;

Those who voted in the affirmative are,

Messrs. Akin, Berry, Buell of Dearborn, Carr, Chapman of Daviess, Chapman of Laporte, Duzan, Edmonson, Herriman, Hutton, Jackson, Jones, Kennedy, Lane, Leviston, Logan, Major, Miller, Parks, Read, Rippey, Ritchey, Rockhill, Tannehill and Wood—25.

Those who voted in the negative are,

Messrs. Alexander, Allison, Bowers, Bradbury, Buell of Warren, Coffin, Cotton, Davis, Defrees, Dole, Ewing, Farmer, Goodenow, Hamer, Henry, Hodge, Holloway, Moore, Morgan of Decatur, Morgan of Rush, Orth, Pennington, Reyburn, Stanford and Todd—25.

The Senate being equally divided,

The President gave the casting vote in the affirmative;

And so the further consideration of the subject was postponed until the 30th inst.

Mr. Defrees introduced,

No. 100. A joint resolution in relation to the fourth instalment of the surplus revenue;

Was read, and ordered to a second reading.

Mr. Defrees introduced,

No. 101. A bill to prevent fraudulent practices in the consignment of produce and merchandise;

Which was read, and,

On motion by Mr. Defrees,

The rule of the Senate was suspended, the bill read a second time, and referred to the committee on the judiciary.

Mr. Reyburn moved to take from the table bill entitled,

No. 39. An act to amend an act entitled, "An act for the benefit of persons who are likely to suffer by the destruction of the records of Miami county by fire," and to provide for the election of a commissioner to restore said records.

The ayes and noes being desired by two Senators,

Those who voted in the affirmative are,

Messrs. Alexander, Allison, Bowers, Bradbury, Buell of Warren, Coffin, Cotton, Davis, Defrees, Dole, Ewing, Farmer, Goodenow, Hamer, Henry, Hodge, Holloway, Hutton, Moore, Morgan of Decatur, Morgan of Rush, Orth, Pennington, Reyburn, Stanford, Tannehill, and Todd—26.

Those who voted in the negative are,

Messrs. Akin, Buell of Dearborn, Chapman of Daviess, Chapman of Laporte, Duzan, Edmonson, Herriman, Jackson, Jones, Kennedy, Lane, Leviston, Logan, Major, Miller, Parks, Read, Rippey, Ritchey, and Rockhill—20.

So the bill was taken up.

Mr. Ritchey moved a call of the Senate;

Which was not ordered.

Mr. Ritchey moved to refer the bill to the committee on the judiciary, with instructions to report the following as a substitute:

A Bill for the restoration of the Burned Records of Miami County.

Whereas, By the burning of the court house of the county of Miami, on the sixteenth day of January, A. D. 1843, the records of the circuit and probate courts and of the recorder's office of said county, were wholly destroyed. To the end, therefore, that the same, so far as practicable, may be restored,

Section 1. *Be it enacted by the General Assembly of the State of Indiana*, That the circuit court of the county of Miami be, and the same is hereby authorized and required to reinstate the records of said court, and to perpetuate testimony of papers on the files thereof, and of all patents, deeds, mortgages, bills of sale, wills, bonds, bills, indentures, and all other instruments of writing whatever, at that time on file in the office of the recorder of said county, and to reinstate all the records of the recorder's office of said county; and that the probate court of said county be, and the same is hereby authorized and required, to reinstate the records of said court, and to perpetuate testimony of all papers on the files thereof, destroyed as aforesaid, in the manner and subject to the rules and directions hereinafter provided.

Sec. 2. The clerk of the Miami circuit court and the sheriff of said county, shall be the officers of said courts, for the discharge of their usual duties, liable to penalties, and subject to control, as in other cases.

Sec. 3. The probate court of said county shall discharge its appropriate duties under this act at its regular terms.

Sec. 4. The duties devolved upon the circuit court of said county by this act may and shall be transacted at its regular terms, but not to hinder the ordinary business of said court: And all matters pending under this act, at any special term hereinafter provided for, next before a regular term of said court, shall stand continued to said regular term, when the court may hear and determine the same; and all such matters not then determined, shall stand continued to the next special term holden under the provisions of this act.

Sec. 5. A special term or terms of the circuit court of said county may be holden, to carry the intentions of this act into effect; and for this purpose, the President Judge of the eighth judicial circuit, before any proceedings shall be had under the provisions of this act, and not less than ten days after the same shall become of force, shall cause four weeks' notice of the time and place of sitting of said court for the transaction of business, to be given, by notices posted at the usual place of holding courts in said county, and at the usual places of holding elections in each township of said county, and by publication in a newspaper printed and published in said county, if any there be, in pursuance whereof said court shall sit for the transaction of all business committed to it by this act.

Sec. 6. Said court shall sit from day to day, and may adjourn to meet at a day certain, as the business thereof may require; but on

failure to adjourn to a day certain, the Judge aforesaid may appoint a future term in manner aforesaid, and at the time and place appointed said court shall meet.

SEC. 7. In matters *ex parte* said courts may, of their own motion, and shall, at the instance of any party in interest, act without notice or docketing thereof: marriage records shall be considered ex parte, and shall be reinstated at the instance of any party interested therein.

SEC. 8. In the restoration of all other matters contemplated by this act, no person shall be bound thereby, nor shall either court act therein unless previous personal notice shall have been given to the adverse party as follows, by the party interested:

1. In the restoration of the fee-docket, five days;

2. In the restoration of all proceedings, orders, and decrees made by either of said courts, sitting as a court of chancery, twenty days;

3. And in the restoration of all other matters, twenty days.

SEC. 9. A copy of the notice at the usual place of residence of the adverse party shall be regarded as a personal service, and all notices required to be given under this act, may be served in any county of this State, by the sheriff thereof, or the person discharging his duties.

SEC. 10. Whenever it shall be made to appear to the satisfaction of the clerk of said court, by the affidavit of a disinterested person filed with him, that any adverse party to any application is not a resident of the State of Indiana, such applicant may cause notice of his application to be given to said adverse party, by publication in a newspaper published in said county, three weeks successively, more than ten days before the hearing thereof, if any there be, and if not, by posting a notice thereof, thirty days as aforesaid, at the usual place of holding courts in said county.

SEC. 11. All the notices aforesaid shall state the term at which, and before what court, said application shall be heard, and sufficient of the matter to be reinstated, expressing dates, amounts, and objects, as nearly as can be done, as shall bar all future proceedings therefor, and the same shall be served by the sheriff of said county, or any disinterested person, or the party giving the same: *Provided*, That when the same shall not be served by the sheriff or the person performing his duties, due proof thereof shall be made.

SEC. 12. Said notices shall be signed by the party in interest, or his agent or attorney, and shall, alone, be sufficient to authorize the further action of the court; and the same shall be filed more than ten days before the hearing notified, with the clerk of the proper court, who shall docket the same for this length of time, when the same shall stand for trial and decision.

SEC. 13. It shall be the duty of the board doing county business for the county of Miami, to cause a restoration of the official bonds of said county, forfeited recognizances, judgments and decrees, in the name of the State for the benefit of said county, and in regard to any of the general funds in which said county may be interested, or in the name of the board doing county business for said county, or

in favor of the congressional townships of said county for school purposes, and all other papers and documents of interest to said county, on file with the clerk of the circuit court of said county, or of record of said court, or of the recorder's office thereof, the destruction whereof was occasioned as aforesaid, to be made through said circuit court in manner aforesaid: But in no case shall any costs be taxed up against said board, nor any charges be allowed by them for services under this section.

SEC. 14. The fee-docket of the said county, and the clerk's dockets of the claims of witnesses, destroyed as aforesaid, may be reinstated at the instance and request of any persons interested therein, so far as they may desire; and the testimony of persons interested shall not be excluded in consequence thereof, but no proceedings shall be had thereon until five days' notice of the intended application shall be given to the adverse party; or any such persons may, at their option, recover each his fees charged on said fee-docket, or docket of witnesses' claims, in an action of debt, before any justice of the peace of the county aforesaid; and upon such trials, both parties in interest shall be permitted to testify, their credit to be judged as in other cases.

SEC. 15. Trial by jury shall be permitted in all contests arising before said courts, under the provisions of this act, to the full extent now provided by law in other cases, but no *venire facias* shall be required to be issued; and the sheriff of said county, or the officer performing his duties, whenever commanded by the court, shall summon a jury, from the qualified citizens, who shall, and whose verdict shall, in all respects, be governed by the law prevailing in other cases, and the finding of said jury may be of any or all the facts of the matter contested.

SEC. 16. In all matters subjected to the jurisdiction of the circuit and probate courts of said county, by force of the provisions of this act, a writ of error or appeal shall lie to the Supreme Court, as in other cases, or at the option of the appellant or plaintiff in error from the probate to the circuit court of said county.

SEC. 17. Continuances of the applications herein provided for, shall be had for the same causes, and upon the same terms, as are now fixed by law in other cases.

SEC. 18. No person, whose interest in the record or matter to be established, arises as an officer, attorney, or witness only, shall, for that reason, be disqualified as a witness.

SEC. 19. In restoring the records of all judgments, decrees, fines, penalties, and forfeitures, wherein the persons against whom they were declared or rendered were of full years and notified, bearing date more than five years previous to the destruction of the records aforesaid, it shall only be necessary for the court acting therein, omitting all note of the process, pleadings, and trial, and intermediate proceedings, to reinstate the judgment, decree, or declaration aforesaid, and sufficient of the cause therefor, to bar another judg-

ment, decree, or declaration for the same cause, and the same shall be, to all intents and purposes, as effectual as a full and complete record.

Sec. 20. Whenever in the transaction of business by either of said courts, under this act, the clerk thereof is unable to make a record of the proceedings as they transpire, said court may adjourn to any future time contemplated for their sitting by this act, and require the clerk aforesaid to complete his record in the vacation thereof, which record so made, when afterwards approved and signed by the court, shall be of the same virtue and effect as if approved and signed at the term at which the proceedings occurred.

Sec. 21. In all matters not otherwise provided for in this act, the circuit and probate courts of said county in the discharge of the duties hereby assigned them, shall be governed in all respects by the analogies of law, and the rules and usages of courts applying in other cases.

Sec. 22. The circuit and probate courts aforesaid, may, at any time within five years after the passage of this act, in their sound discretion, upon a petition of merits filed, accompanied by an affidavit of its truth, renew any proceedings had under this act, and may alter or amend the same, as justice may require; but no action shall be had upon such petition until the adverse party shall be notified as aforesaid.

Sec. 23. The four terms of the Miami probate court, first holden after the passage of this act, may and shall continue each two weeks, if the business thereof require it.

Sec. 24. Said courts shall keep a full and fair record of their proceedings, and shall restore all matters herein provided for, in words and figures, as nearly as possible, like the original.

Sec. 25. In all cases where an adverse claim in the nature of credit, upon any judgment, order, decree, penalty or forfeiture, whether for principal, interest or costs, shall be asserted, the trial and proof of the same, shall be as in other cases, but no notice shall be required.

Sec. 26. All costs accruing under this act, shall be between the parties, and said courts shall award the same, according to the analogies of law, and the rules and usages applying in other cases.

Sec. 27. All judgments, decrees, forfeitures and penalties, declared and rendered, the record whereof was destroyed as aforesaid, when so restored, shall refer back, and in all respects have all the force and effect of the original, and the proper process of execution, shall issue thereupon as in other cases.

Sec. 28. In all matters arising under this act, all issues shall be formed as in other cases, subject to and directed by such discretionary rules, as the said courts may adopt.

Sec. 29. All patents, deeds, mortgages, bills of sale, indentures of service, wills, powers of attorney, bonds official or otherwise, certificates, and all other instruments of writing whatever, which were on deposite with the recorder of said county for record, at the time of

the destruction aforesaid, shall be restored in manner aforesaid.—And it shall be competent for any person, seeking a restoration of his land titles, to give notice to any or all of the intermediate grantors and grantees to the original source of title, in manner aforesaid, and perfect any part of, or the entire chain of title; and proof of the contents of any intermediate conveyances may be made without notice to produce them; *Provided*, that in such cases, the costs shall be apportioned in the discretion of the court, and the legal effect and virtue thereof, shall refer back to the dates of the original conveyances.

Sec. 30. The recorder of the county aforesaid, shall be the clerk of the circuit court, in the restoration of all matters contemplated by the previous section, and for this purpose, said recorder shall furnish a sufficient record book, in which all such proceedings shall be kept, the cost whereof shall be allowed him by the board doing county business, as in other cases.

Sec. 31. Said record shall form a part of the records of the recorder's office of said county, and shall be a sufficient recording of the matters contained therein, within the meaning of the present laws, and shall, to all intents and purposes, be conclusive evidence of the matters therein contained, unless where appealed from or reversed.

Sec. 32. It shall be the duty of the recorder of said county of Miami, to make record anew of all patents, deeds, mortgages, bills of sale, indentures of service, wills, powers of attorney, bonds official or otherwise, certificates, and all other instruments of writing whatever, the destruction of the former record whereof was occasioned as aforesaid, whenever the same shall be presented to him, endorsed of former record by the proper officer, and also, the endorsement of such officer of the record having been made, or a memorandum of the full substance thereof, and to subscribe at the foot of such new record, a certificate of the correctness of such endorsement in letter or substance, and in case of doubt of the genuineness of such endorsement, it shall be the duty of such recorder to take proof thereto, for which purpose he is hereby authorised to administer an oath and propound interrogatories to the party presenting it, or others; and to all such record, so made anew, shall belong all the virtue and effect of the original record, at the time it purports to have been made. But the genuineness of such record and endorsement, on the trial of any cause, shall be triable in the same manner, and governed by the same rules as other issues in courts of law.

Sec. 33. The benefits of the provisions of the preceding section, shall only apply where the re-record of such patents, deeds, mortgages, and all other instruments of writing therein contemplated, shall have been made within two years from the date of the passage of this act.

Sec. 34. To the record of all patents, deeds, mortgages, bills of sale, indentures of service, wills, powers of attorney, bonds official

or otherwise, certificates, and all other instruments of writing whatever, bearing an endorsement of previous record by the proper officer, the original record of which was lost as aforesaid, which has been made by the recorder of said county, before the passage of this act, with the endorsement of the proper officer of the record having been made, or a memorandum of the full substance thereof, and at the foot of which record, a certificate as aforesaid has been subscribed, shall belong all the effect aforesaid; but the genuineness of such original record and endorsement, shall be triable, as contemplated in the thirty-second section of this act.

Sec. 35. Whenever any patents, deeds, mortgages, or other instruments of writing whatever, now required by law to be recorded, shall be reinstated or recorded under the provisions of this act, the recorder of said county shall cause entry thereof to be made, according to the sixth section of the eighth chapter of the Revised Statutes.

Sec. 36. In the matters of all administrations and guardianships, pending in the probate court of said county, before the destruction of the records aforesaid, wherein a quietus was entered or a final settlement made, it shall be taken and presumed by all courts trying questions growing out of, or relating to the same, that all things were legally done, unless positive proof appear to the contrary.

Sec. 37. Any and all settlements not final, made by any executor, administrator or guardian, with the probate court of said county, the record whereof was destroyed as aforesaid, may be restored in the manner before provided, and independently of any and all other matters of said administration or guardianship, and the same, when so done, shall in all cases be conclusive evidence of the justice and regularity of the same, unless positive proof appear to the contrary.

Sec. 38. Every court wherein the same shall be contested, shall take and presume the fact to be, that all judgments, decrees, penalties, forfeitures and fines, rendered and declared before the destruction of the records aforesaid, were in all particulars, legally entered upon the judgment docket of said county, unless positive proof appear to the contrary.

Sec. 39. In all contests arising in relation to the record of patents, deeds, mortgages, indentures of service, and all other instruments of writing whatever, made by the recorder of said county, before the destruction of the records aforesaid, it shall be taken and presumed by the courts trying the same, that the same were regularly and properly entered in the entry book, required to be kept by recorders, unless clear proof appear to the contrary.

Sec. 40. All executions issued out of the Miami circuit and probate courts, and returned by the proper officer of said county, to the office of the clerk thereof before the destruction aforesaid, and all proceedings had thereupon, shall be taken and presumed by all courts, to have been regular in all respects, unless the contrary be expressly shown.

Sec. 41. The remedy now permitted and applied in a court of chancery in case of instruments and records lost and destroyed, and which could be resorted to in the matters here provided for, shall not be barred or prevented to the person desirous of availing himself of the same; *Provided*, that a resort to the remedy provided under this act, shall preclude him from having recourse to the other, and *vice versa*.

Sec. 42. That shall any action hereafter arise, as to the title of property, acquired either under a judgment, decree, or order of the circuit or probate courts of said county, the records whereof have been destroyed as aforesaid, it shall be taken and presumed by the court trying the same, that all the proceedings thereto were legally had, unless the contrary thereof be satisfactorily shown.

Sec. 43. Any and all of the proceedings of said courts, and of the matters restored by them, duly authenticated, may be used in evidence in any of the courts of this State, and unless appealed from or reversed, shall to the parties to the record, and all persons deriving or claiming from them, be conclusive proof of the matters therein shown.

Sec. 44. The following compensation and fees shall be allowed for services under the provisions of this act:

The President Judge of the eighth judicial circuit, shall be allowed the sum of two dollars per day, for each day of his service at such special terms, payable out of the State Treasury, in the same manner that judges of the probate court are paid.

The associate judges of the Miami circuit court, shall be allowed the sum of one dollar, for each day of service, payable at such special terms, payable as in other cases.

The recorder of the county of Miami, shall be allowed for recording under the provisions of the thirty-second section of this act, five cents for each folio of one hundred words, counting each three figures for one word; for taking proof under the same when required, twelve and a half cents; for recording under the provisions of the thirtieth section of this act, six cents for each folio of one hundred words; to be paid by the person applying for the same, unless when otherwise ordered by the court.

The sheriff of said county, or the person discharging his duties, shall be allowed one-half the fees now paid by law, but no charge shall be made for more than one service upon persons named in the same notice, subpœna, or other process, but additional mileage in procuring service shall be taxed.

The clerk of said courts, shall be allowed six cents for each folio of one hundred words, counting as aforesaid, in the record of the proceedings of said courts, but no fee shall be taxed for docketing applications, administering oaths, filing papers, and for motions; and in all other matters, he shall be allowed one-half the fees now fixed by law, which fees of said clerk and sheriff shall be collected as in other cases.

Witnesses shall be allowed the fees now fixed by law, to be collected as in other cases.

Sec. 45. That an act entitled "an act for the benefit of persons who are likely to suffer by the destruction of the records of Miami county by fire," approved December 26, 1843, be, and the same is hereby repealed.

Sec. 46. All acts done and proceedings had, by the commissioner appointed under the authority of the act last aforesaid, be, and the same are hereby in all respects legalized, and the same shall be in no wise affected by proper continuances.

Sec. 47. This act shall be a public act, and its provisions liberally construed to effect its object, and shall be in force from and after the filing of a certified copy thereof in the office of the clerk of the Miami circuit court, and the Secretary of State is hereby directed to transmit forthwith, such certified copy to the clerk thereof.

On motion by Mr. Rockhill,

The Senate adjourned.

2 *o'clock, P. M.*

The Senate assembled.

The Senate resumed the consideration of bill No. 39, on the subject of the records of Miami county.

Mr. Chapman offered the following, as an amendment to the instructions proposed by Mr. Ritchey:

"Or to report such amendments as they may deem expedient."

The question then being on referring the bill with the instruction,

The ayes and noes were desired by two Senators.

Those who voted in the affirmative are,

Messrs. Berry, Carr, Chapman of Laporte, Duzan, Edmonson, Herriman, Hutton, Jackson, Jones, Kennedy, Lane, Leviston, Logan, Major, Miller, Read, Rippey, Ritchey, and Rockhill—19.

Those who voted in the negative are,

Messrs. Alexander, Allison, Bowers, Bradbury, Buell of Dearborn, Buell of Warren, Chapman of Daviess, Coffin, Cotton, Davis, Defrees, Dole, Ewing, Farmer, Goodenow, Hamer, Henry, Hodge, Holloway, Moore, Morgan of Decatur, Morgan of Rush, Orth, Pennington, Reyburn, Stanford, Tannehill, Todd, and Wood—29.

So the Senate refused to refer.

The question then recurred, "Shall the bill pass?"

The ayes and noes being desired by two Senators,

Those who voted in the affirmative are,

Messrs. Alexander, Allison, Bowers, Bradbury, Buell of Dearborn, Buell of Warren, Chapman of Daviess, Coffin, Cotton, Davis, Defrees, Dole, Ewing, Farmer, Goodenow, Hamer, Henry, Hodge, Holloway, Moore, Morgan of Decatur, Morgan of Rush, Orth, Pennington, Reyburn, Stanford, Tannehill, Todd, and Wood—29.

Those who voted in the negative are,

Messrs. Berry, Carr, Chapman of Laporte, Duzan, Edmonson, Herriman, Hutton, Jackson, Jones, Kennedy, Lane, Leviston, Logan, Major, Miller, Read, Rippey, Ritchey, and Rockhill—19.

So the bill passed.

Ordered, That the Secretary inform the House thereof, and ask their concurrence.

Mr. Edmonson introduced,

No. 102. A bill to amend an act, entitled, an act to incorporate the Princeton library company;

Which was read and ordered to a second reading.

Mr. Orth introduced,

No. 103. A bill to incorporate the "Mechanics' Institute at Lafayette," in the county of Tippecanoe;

Which was read.

On motion by Mr. Orth,

The rule of the Senate was suspended,

The bill read a second time, and referred to the committee on corporations.

Mr. Chapman of Laporte, introduced,

No. 104. A bill to amend article 4, chapter 45, of the Revised Statutes of 1843;

Which was read.

On motion by Mr. Chapman,

The rule of the Senate was suspended,

The bill read a second time, and referred to the judiciary committee.

Mr. Chapman of Laporte introduced,

No. 105. A bill declaratory of the meaning of the 29th section of the 3d article of the 31st chapter of the Revised Statutes of 1843;

Which was read.

On motion by Mr. Chapman of Laporte,

The rule of the Senate was suspended,

The bill read a second time and referred to the committee on the judiciary.

Mr. Morgan of Rush introduced,

No. 106. A bill prescribing a uniform mode of ascertaining by weight the quantity of the different kinds of grain, that shall pass for a standard bushel in this State;

Which was read.

On motion by Mr. Herriman,

The rule of the Senate was suspended,

The bill read a second time, and,

On motion by Mr. Morgan of Rush,

Was referred to the committee on agriculture.

Mr. Reyburn introduced,

No. 107. A bill to extend an act, entitled, an act to revive and amend an act entitled, an act for the relief of settlers on the Wabash and Erie canal lands, approved February 24, 1840,—approved January 15, 1844;

Which was read.

On motion by Mr. Reyburn,

The rule of the Senate was suspended,

The bill read a second time,

And referred to the committee on canals and internal improvements.

The Senate proceeded to the orders of the day.

BILLS ON A THIRD READING.

No. 74. A bill providing compensation to supervisors of roads and highways;

No. 40. A bill to repeal an act entitled, "an act to change the mode of selecting petit jurors in Jackson and Bartholomew counties, and for other purposes, approved December 29th, 1841;" so far as it relates to Jackson county;

No. 38. A bill for the relief of Francis Linch and Bayless Bennett, of Vanderburgh county;

No. 82. A bill relative to the office of county treasurer;

No. 83. A bill to locate a State road in the county of Switzerland;

Were severally read a third time and passed.

Ordered, That the Secretary inform the House of the passage of said bills, and ask their concurrence therein.

House bill,

No. 78. An act for the relief of Daniel Wise;

Mr. Davis moved to re-consider the vote of the Senate, striking out so much of said bill as provided for the payment, by the State, of costs;

Which motion was not agreed to.

The bill was then read a third time and passed.

Ordered, That the Secretary inform the House thereof and ask their concurrence in the amendment of the Senate.

Mr. Chapman of Daviess, moved to suspend the order of business, to enable him to introduce a bill;

Which was agreed to.

Mr. Chapman introduced,

No. 108. A bill to legalize certain school loans, belonging to the county of Daviess;

Which was read, and,

On motion by Mr. Chapman of Daviess,

The rule of the Senate was suspended,

The bill read a second time, and referred to the judiciary committee.

House bill,

No. 17. Entitled, an act to change the time of holding probate courts in the county of Daviess;

House bill,

No. 22. Entitled, an act to extend the term of the county board of Jefferson county;

House bill,

No. 26. Entitled, an act relating to Jackson township, in Washington county;

House bill,

No. 10. Entitled, an act to amend an act, entitled, an act to incorporate the Porter county manufacturing company, approved January 13, 1844;

Were severally read a third time and passed.

Ordered, That the Secretary inform the House of Representatives accordingly.

BILLS ON A SECOND READING.

No. 96. A bill to extend the time for the treasurer of Boone county to distrain property for the non-payment of taxes;

Was read a second time, and,

On motion by Mr. Stanford,

Was referred to the committee on finance.

No. 97. A bill to declare a certain road therein named a State road;

Was read a second time and ordered to be engrossed.

House bill,

No. 4. Entitled, an act relative to the appointment of the board of county commissioners of the county of Grant, to act as the board of library trustees of said county, and for other purposes;

Was read a second time, and,

On motion by Mr. Chapman of Laporte,

Was referred to the committee on education, with instructions to make its provisions general.

No. 93. A bill providing for the distribution of the saline and bank tax funds, among the several counties in this State;

Was read a second time, and,

On motion by Mr. Chapman of Laporte,

Was ordered to lie upon the table.

Mr. Hutton moved to take from the table, bill

No. 68. A bill to form a new county to be known by the name of Gallatin;

With the petitions and remonstrances relating to the subject.

Which was agreed to, and,

On motion by Mr. Hutton,

Were referred to the select committee heretofore appointed on that subject.

House bill,

No. 11. Entitled, a bill in relation to patents to purchasers of lands in the reserved townships in Gibson and Monroe, and of the saline lands;

Was read, and,

On motion by Mr. Farmer,

Was referred to a select committee.

Ordered, That said committee consist of Messrs. Farmer, Allison, and Stanford.

On motion by Mr. Chapman of Laporte,

Mr. Edmonson was added to that committee.

House bill,

No. 2. Entitled, an act providing for the loaning of the school funds of Clay and Posey counties;

Was read, and,

On motion by Mr. Goodenow,

Was referred to the committee on education.

House bill,

No. 7. Entitled, an act to repeal a portion of an act, entitled "an act declaring Patoka a public highway, and for other purposes," so far as relates to the county of Pike;

Was read a second time and ordered to a third reading.

House bill,

No. 25. Entitled, an act to change the name of James Cowdrey Smith;

House bill,

No. 127. Entitled, a bill regulating the election of Secretary of State and State Librarian;

Were severally read a second time and ordered to a third reading.

No. 98. A bill to secure to recorders their fees in certain cases;

Was read a second time.

Mr. Davis moved to amend the bill by adding the following additional section:

Sec. —. That hereafter recorders shall receive the fees hereby allowed, and no other. For recording a deed or mortgage, seventy-five cents; for recording a bond fifty cents; recording a promissory note ten cents; for recording all other instruments, per sheet of one hundred words, ten cents. Copies of all records, and certifying the same, per one hundred words, ten cents. Recording town plats, and additions thereto, for every one hundred lots and under, one dollar

and fifty cents. For every lot over one hundred, one cent each. And for recording mortgage to superintendent of loan office, fifty cents.

On motion by Mr. Davis,

The bill, with the pending amendment, was referred to the judiciary committee.

Message from the House, by Mr. Farquhar, their Clerk.

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the House has passed engrossed bills thereof entitled as follows:

No. 42. An act to repeal a certain act therein named, so far as it relates to the county of Pike;

No. 143. An act for the relief of the president and trustees of the town of Greencastle, and for other purposes;

No. 145. An act to amend an act therein named;

No. 148. An act to establish a State road on the county line between the county of St. Joseph and the county of Elkhart;

No. 152. An act to incorporate the New Castle Band of Musicians;

No. 153. An act fixing the time of holding courts in the Clark probate court, and to regulate the practice therein;

No. 162. An act for the relief of the securities of William H. Darnell;

In which the concurrence of the Senate is respectfully requested.

Bill of the House No. 162, entitled, "An act for the relief of the securities of William H. Darnell," contained in the foregoing message, was read, and,

On motion by Mr. Alexander,

The rule of the Senate was suspended, and the bill read a second time.

Mr. Alexander moved to amend the bill by striking out of the — section the word "sheriff," and inserting in lieu thereof the word "clerk;"

Which was agreed to.

On motion by Mr. Alexander,

The rule of the Senate was further suspended,

The bill read a third time, and passed.

Ordered, That the Secretary notify the House accordingly.

Leave being granted,

Mr. Todd submitted the following preamble and resolution:

WHEREAS, The west fork of White river is interrupted in its navigation by many obstructions below the town of Indianapolis, but more particularly by the feeder dam at the Bluffs, built by authority of the State of Indiana, thereby causing much loss to the citizens of many counties lying on and contiguous to said stream: Therefore,

Be it resolved, That said subject be referred to a select committee to report thereon, and if said committee think necessary, to report a bill upon that subject;

Which was adopted.

Ordered, That the committee be composed of Messrs. Todd, Parks, and Allison.

On motion by Mr. Buell of Dearborn,

The Senate adjourned.

SATURDAY MORNING, December 21, 1844.

The Senate assembled.

The Journal of the preceding day was read.

Mr. Morgan of Decatur presented the petition of Adam Rankin and others, citizens of the county of Decatur, on the subject of restricting voters to their own townships;

Which was ordered to lie upon the table.

Mr. Bowers presented the petition of J. W. Gordon and others, citizens of Ripley county, praying the repeal of the law requiring creditors to sue in the township where the defendant resides.

Mr. Bowers moved to refer the petition to the judiciary committee, with instructions to report a bill in accordance with the prayer of the petitioners.

Mr. Buell of Dearborn moved to lay the instructions upon the table;

Which was agreed to.

Mr. Bowers then withdrew his motion to refer to the judiciary committee, and moved to refer the petition to a select committee;

Which was agreed to.

Ordered, That said committee consist of Messrs. Bowers, Logan, and Parks.

Mr. Ritchey presented the petition of W. H. Wishard and others, citizens of the county of Johnson, praying the passage of an act to abolish the office of county auditor, at least so far as Johnson county is concerned;

Which was referred to the judiciary committee.

Mr. Ritchey presented the petition of Jeremiah D. Smith and others, citizens of the county of Johnson, praying for the abolition of the office of superintendent of common schools, or at least exempting the county of Johnson from his jurisdiction;

Which was referred to the committee on education.

Mr. Chapman of Laporte, chairman of the committee on the judiciary, submitted the following report:

Mr. President:

The committee on the judiciary, to whom was referred bill of the Senate No. 104, entitled, "A bill to amend article 4, chapter 45, of the Revised Statutes of 1843," have had the same under consideration, and have directed me to report the same back, without amendment, and recommend its passage.

The bill was read for information and ordered to be engrossed.

Leave having been granted,

Mr. Ritchey presented the petition of David Edwards, in relation to the title to his land;

Which was referred to the committee on the judiciary.

Mr. Ewing, from the judiciary committee, submitted the following report:

Mr. President:

I am instructed by the committee on the judiciary, to whom the subject was referred by a resolution of the Senate, to report a bill providing that all property taken on execution, founded upon contracts entered into, and the liability and consideration of which, shall have accrued after the fourth day of July next, shall be sold for any sum not less than two-thirds the appraised value thereof.

No. 109. A bill to amend an act entitled, "An act to amend an act entitled, 'an act supplemental to an act subjecting real and personal property to execution,'" approved February 11, 1843;

Which was read and ordered to a second reading.

Mr. Stanford, chairman of the committee on education, submitted the following report:

Mr. President:

The committee on education, to whom was referred a resolution of the Senate, directing an enquiry into the expediency of amending the school law in relation to the sale of mortgaged lands which have become forfeited to the school funds, have directed me to report that they have maturely considered the subject of the resolution, and examined the law now in force on that subject, and are of opinion that further legislation on that subject is inexpedient at this time.

Ordered, That the report be concurred in.

Mr. Herriman, chairman of the committee on roads, submitted the following report:

MR. PRESIDENT:

The committee on roads, to whom was referred bill of the House No. 13, entitled, "An act supplemental to an act to change a State road in Sullivan county," approved January 13, 1844, have had that subject under consideration, and have directed me to report the bill back, without amendment, and recommend its passage.

No. 13. A bill supplemental to an act entitled, "An act to change a State road in Sullivan county," approved January 13, 1844.

Mr. Ewing moved to postpone indefinitely the further consideration of the bill; but

Afterwards withdrew his motion, and

Moved to amend the bill by adding, after the word "Gordon," "or any other person."

Upon which proposed amendment,

The ayes and noes were desired by two Senators.

Those who voted in the affirmative are,

Messrs. Allison, Bowers, Bradbury, Buell of Warren, Carr, Cotton, Davis, Defrees, Ewing, Farmer, Goodenow, Hamer, Henry, Hodge, Holloway, Miller, Moore, Morgan of Rush, Orth, Pennington, Reyburn, Stanford, and Todd—23.

Those who voted in the negative are,

Messrs. Akin, Berry, Buell of Dearborn, Chapman of Daviess, Chapman of Laporte, Dole, Duzan, Edmonson, Herriman, Hutton, Jackson, Jones, Lane, Leviston, Logan, Major, Read, Rippey, Rockhill, Tannehill, and Wood—21.

So the amendment was adopted.

The question then was,

"Shall the amendment be engrossed and the bill read a third time?"

The ayes and noes being desired by two Senators,

Those who voted in the affirmative are,

Messrs. Akin, Allison, Berry, Bowers, Buell of Dearborn, Carr, Chapman of Daviess, Chapman of Laporte, Davis, Dole, Duzan, Edmonson, Goodenow, Henry, Herriman, Hodge, Holloway, Hutton, Jackson, Jones, Lane, Leviston, Logan, Major, Miller, Moore, Morgan of Rush, Pennington, Read, Reyburn, Rippey, Rockhill, Stanford, Tannehill, Todd, and Wood—37.

Those who voted in the negative are,

Messrs. Cotton, Ewing, Farmer, and Hamer—4.

So the bill was ordered to be read a third time.

Leave having been granted,

Mr. Todd, from the committee on finance, submitted the following report:

MR. PRESIDENT:

The committee on finance, to whom was referred bill of the Senate, entitled,

No. 54. A bill to reduce the penalties and per centage on lands delinquent for taxes for the years 1839 and 1840;

Have, according to order, had the same under consideration, and have directed me to report the same back with an amendment, to-wit: to strike out the original bill, from the enacting clause, and insert the following, as a substitute therefor. In this amendment they respectfully suggest the propriety of a concurrence by the Senate, and recommend the passage of the amended bill.

The amendment of the committee is in the words following, to-wit:

"An act to reduce the penalties and per centage on lands delinquent for taxes, for the year 1839 and 1840;"

Sec. 1. *Be it enacted by the General Assembly of the State of Indiana*, That there shall be a penalty assessed of ten per cent. upon the amount of taxes returned delinquent for the years 1839 and 1840, which the persons or property shall be liable to pay, together with interest upon the whole, until paid.

Sec. 2. That so much of the act approved 18th of February, 1839, entitled, an act to amend the several acts, for the collection of the revenue, and to repeal an act to provide a fund to encourage common schools, approved February 2, 1832; and an act in furtherance thereof, approved Feb. 1835, as authorizes collectors of the revenue to demand or receive on sale of lands, or lots for taxes, any other or greater penalty and per centage, than that prescribed in the foregoing section, be and the same is hereby repealed.

Sec. 3. This act to be in force from and after its passage. And it is hereby made the duty of the Secretary of State to forward a copy of this act to the several county auditors, without delay.

On the question, "Shall the report be concurred in and the bill be engrossed?"

The ayes and noes being desired by two Senators,

Those who voted in the affirmative are,

Messrs. Akin, Allison, Bowers, Bradbury, Buell of Dearborn, Carr, Chapman of Daviess, Cotton, Duzan, Edmonson, Ewing, Farmer, Hamer, Henry, Hodge, Holloway, Hutton, Jackson, Kennedy, Leviston, Major, Miller, Moore, Orth, Pennington, Reyburn, Ritchey, Rockhill, and Todd—29.

Those who voted in the negative are,

Messrs. Berry, Buell of Warren, Chapman of Laporte, Davis, Defrees, Dole, Goodenow, Herriman, Lane, Logan, Morgan of Decatur, Morgan of Rush, Read, Rippey, Stanford, Tannehill, and Wood—17.

So it was ordered that the bill be engrossed.

Mr. Dole, from the select committee appointed to examine the subject, submitted the following report:

MR. PRESIDENT:

The select committee to whom was referred sundry petitions in relation to a State road in Parke and Vermillion counties, have had the same under consideration, and have directed me to report the accompanying bill, and recommend its passage:

No. 110. A bill providing for the location of a State road in the counties of Parke and Vermillion;

Which was read.

On motion by Mr. Akin,

The rule of the Senate was suspended,

The bill read a second time and ordered to be engrossed.

Leave being granted,

Mr. Ritchey, from the committee on finance, submitted the following report:

MR. PRESIDENT:

The committee on finance, to whom was referred a bill of the House of Representatives,

No. 20. Entitled, a bill for the relief of Owen Russell of Delaware county;

Together with an amendment of the Senate, have had the same under consideration, and believing that the passage of the bill would serve as a dangerous precedent, have directed me to return it with its amendment, and recommend their indefinite postponement.

The question being on the concurrence, by the Senate, in the report of the committee,

The ayes and noes being desired by two Senators,

And were as follows:

Those who voted in the affirmative are,

Messrs. Allison, Buell of Dearborn, Carr, Chapman of Daviess, Chapman of Laporte, Dole, Duzan, Edmonson, Goodenow, Henry, Herriman, Hutton, Jones, Lane, Leviston, Logan, Major, Morgan

of Decatur, Morgan of Rush, Read, Rippey, Ritchey, Rockhill, Stanford, Tannehill, and Todd—26.

Those who voted in the negative are,

Messrs. Akin, Berry, Bowers, Bradbury, Buell of Warren, Cotton, Davis, Defrees, Ewing, Hamer, Hodge, Holloway, Jackson, Moore, Pennington, Reyburn, and Wood—17.

So the report of the committee was concurred in.

Mr. Ritchey, from the committee on finance, submitted the following report:

MR. PRESIDENT:

The committee on finance, to whom was referred a resolution of the Senate, directing an inquiry into the expediency of so amending the Revised Statutes of 1843, as to provide "that county treasurers elect may have until the 25th day of August succeeding their election to give bonds," have examined the subject, and directed me to report, that, as a bill providing for the same change in the law asked for in the resolution, is now progressing through the files of the Senate, no further action is necessary on this resolution, and ask to be discharged from the further consideration of the subject.

Ordered, That the report of the committee be concurred in, and that they be discharged from the further consideration of the subject.

Mr. Duzan, from the committee on enrolled bills, submitted the following report:

MR. PRESIDENT:

The committee on enrolled bills, have compared the following enrolled, with the engrossed bill of the Senate, and have found the same correctly enrolled, to-wit:

No. 23. An act providing for the re-charter of Hanover College.

Mr. Davis, from the joint committee on enrolled bills, submitted the following report:

MR. PRESIDENT:

The joint committee on enrolled bills, did, on the 20th inst., present to his Excellency the Governor, for his approbation and signature, a joint resolution of the Senate, entitled:

No. 11. A joint resolution, reviving in part, a certain act therein named.

Mr. Duzan, from the joint committee on enrolled bills, submitted the following report:

MR. PRESIDENT:

The joint committee on enrolled bills, did, on the 21st instant, present to his Excellency the Governor, for his approbation and signature, the following enrolled bills of the Senate, to-wit:

No. 10. An act to vacate a part of a State road in the county of Noble;

No. 1. An act to vacate a part of the town of Mongoquinong, in the county of Lagrange;

No. 44. An act providing for a special term of the Shelby circuit court;

No. 5. An act relative to the collection of taxes in the town of Rising Sun.

On motion by Mr. Defrees,

Resolved, That the public printer be directed to place the Governor's message, and the accompanying documents, as well as such reports of standing and select committees as may be ordered to be printed, in the documentary journal of the present session.

On motion by Mr. Read,

Resolved, That when the Senate adjourns, it will stand adjourned until Monday next.

On motion by Mr. Buell of Dearborn,

Resolved, That the Auditor of State inform the Senate under what law he has assessed a road tax on bank stock—what amount has been collected of the different branches, and to what purpose the amount so collected has been applied.

On motion by Mr. Dole,

Resolved, That the door keeper be required to call upon the State printer, and ascertain from him at what time the report of the Superintendent of the Wabash and Erie canal, ordered to be printed, will be ready to be laid before the Senate, and to request that it be furnished at as early a day as possible.

On motion by Mr. Buell of Warren,

Resolved, That the committee on finance enquire into the expediency of repealing so much of the revised law as levies a tax on debts or money owing, and report by bill or otherwise.

On motion by Mr. Chapman of Laporte,

Resolved, That the committee on finance be instructed to report a bill authorizing the several county treasurers to pay off and take up auditor's warrants, issued to members and officers of the present general assembly for their *per diem* allowance.

On motion by Mr. Rippey,

Resolved, That the committee on the judiciary be instructed to enquire into the propriety of repealing the 88th section of the 48th chapter of the Revised Statutes of 1843, and report by bill or otherwise.

On motion by Mr. Lane,

Resolved, That the Treasurer of State be requested to lay before the Senate a full exhibit of the books and accounts of the late Treasurer—when he came into office—whether the books shew any deficit, and if so, the amount of such deficit—and why, if a deficit did exist, he did not report the same in his annual report. Also the amount of funds deposited with him by the late Treasurer since he went out of office—the kind of funds, and for what purpose deposited—whether to make good a balance on the books, or to redeem outstanding receipts, and whether the outstanding receipts are official or otherwise, and whether the funds deposited are a special deposite; and all other information that can throw any light on the subject.

Mr. Reyburn submitted the following resolution:

Resolved, That the committee on the judiciary be directed to enquire into the expediency of repealing so much of an act approved January 15th, 1844, as relates to the keeping a registry of names, with the kind of funds paid by each tax-payer.

Mr. Davis moved to lay the resolution on the table;

Which was agreed to.

Mr. Allison introduced,

No. 111. A joint resolution in relation to reducing the per diem allowance of members of Congress, and for other purposes;

Which was read, and ordered to a second reading.

Mr. Buell of Dearborn, introduced,

No. 112. A bill to incorporate the proprietors of the Lawrenceburgh cemetery;

Which was read:

On motion by Mr. Buell,

The rule of the Senate was suspended,

The bill read a second time and ordered to be engrossed.

Mr. Henry introduced,

No. 113. A bill in relation to the kind of funds receivable for tolls and water rents, on the Wabash and Erie Canal;

Which was read, and ordered to a second reading.

On motion by Mr. Lane,

The order of business was suspended, to take up a message from the House, by Mr. Farquhar, their clerk:

MR. PRESIDENT:

The House has passed an engrossed bill thereof, entitled:

No. 66. An act for the relief of Abigail C. Hovey and Lorenzo D. Hovey, of Carroll county;

In which the concurrence of the Senate is requested.

Bill No. 66, in the foregoing message mentioned, was read a first time;

When,

On motion by Mr. Lane,

The rule of the Senate was suspended, and the bill read a second time.

On motion by Mr. Lane,

It was

Ordered, That the said bill be referred to the committee on the judiciary.

On motion by Mr. Reyburn,

The Senate adjourned.

MONDAY MORNING, DECEMBER 23, 1844.

The Senate assembled.

The Journal of the preceding day was read.

The President laid before the Senate the following report of the President of the State Bank:

OFFICE OF STATE BANK,
Indianapolis, December 21, 1844.

HON. JESSE D. BRIGHT,
President of the Senate:

SIR: Herewith please receive a statement, in reply to a resolution of the Senate, of the dividends declared each year at the Bedford Branch of this Institution, since the commencement, and the average of such dividends for such periods:

In the year 1835,		3	per centum on capital.
do. 1836,		9	do.
do. 1837,		8	do.
do. 1838,		8	do.
do. 1839,		10	do.
do. 1839,	an extra dividend of	9½	(nearly) do.
do. 1840,		10	do.
do. 1841,		8	do.
do. 1842,		5	do.
do. 1843,		4	do.
do. 1844,		3½	do.
	Making in all,	78	per centum on capital.

The average dividend for the nine and a half years is 8 2-10 per centum on the capital stock of the Branch. The profits of the first six months in 1835 were set apart to the surplus fund.

Respectfully,
J. MORRISON, *President.*

Mr. Wood presented the petition of George Johnson and others, citizens of the county of Randolph, on the subject of confining voters to their own townships;

Which was referred to the committee on the judiciary.

Mr. Chapman of Daviess presented the petition of James Hawkins and others, on the subject of a State road;

Which was referred to a select committee.

Ordered, That the committee consist of Messrs. Chapman of Daviess, Edmonson, and Pennington.

Mr. Goodenow presented the petition of William Fish and others, citizens of the county of Jefferson, on the subject of the sale of certain land therein named;

Which was referred to a select committee.

Ordered, That the committee consist of Messrs. Goodenow, Bowers, and Moore.

Mr. Coffin presented sundry remonstrances of citizens of the county of Parke, remonstrating against the formation of a new county, a part of which is to be stricken from the county of Parke;

Which were referred to the select committee heretofore appointed on that subject.

Mr. Moore presented various remonstrances from the citizens of the county of Montgomery, remonstrating on the same subject; which,

On motion by Mr. Moore,

Were referred to the same committee.

Mr. Jones presented the petition of John Evans, on the subject of an insane hospital;

Which was referred to the committee on education.

Mr. Orth presented the petition of John Ritchey and others, citizens of the county of Tippecanoe, on the subject of partnership fences;

Which was referred to the committee on agriculture.

Mr. Buell of Dearborn moved to take from the table the report of the Agent of State;

Which was agreed to, and,

On motion by Mr. Buell of Dearborn,

Was referred to the committee on finance.

Mr. Ewing, from the committee on the judiciary, submitted the following report:

MR. PRESIDENT:

The committee on the judiciary, to whom was referred a bill of the House of Representatives, No. 19, entitled, "An act to legalize the official acts of James Blair and Stearns Fisher, former commissioners of the Wabash and Erie canal," have had the same under consideration, and have directed me to report the bill back, without amendment, and recommend its passage.

The bill was read for information and ordered to be engrossed.

Leave having been obtained,

Mr. Read, from the committee on finance, submitted the following report:

MR. PRESIDENT:

The committee on finance, to which was referred a resolution of the Senate, instructing them to enquire into the expediency of changing the time requiring county treasurers to pay over to the State Treasurer all moneys due for State revenue, have had that subject under consideration, and directed me to report the following bill and recommend its passage.

No. 114. A bill to repeal the act changing the time for the payment of taxes, approved January 15, 1844;

Which was read and ordered to a second reading.

Mr. Carr, from the committee on the judiciary, submitted the following report:

MR. PRESIDENT:

The committee on the judiciary, to whom was committed bill of the Senate No. 108, entitled, "A bill to legalize certain school loans in the county of Daviess," have, according to order, had the same under consideration, and have directed me to report it back to the Senate, with two amendments; and upon the adoption of the amendments the committee recommend the passage of the bill.

The amendments of the committee are as follows:

1st. Add to the first section the following proviso:

"*And provided further*, The said loan shall have been made in accordance with the order of the board of commissioners of Daviess county, at their June session, 1844; which required that the said Thomas B. Graham, Charles F. Wells, and John B. Coleman shall give security therefor in the same manner as is required by law for loaning school funds."

2d. Add at the end of the bill the following section:

"SEC. 2. This act to be in force from and after its passage."

Ordered, That the report of the committee be concurred in, and the bill, as amended, be engrossed.

Mr. Jones, from the committee on canals and internal improvements, submitted the following report:

MR. PRESIDENT:

The committee on canals and internal improvements, to whom was referred a bill of the Senate, No. 87, entitled, "A bill supplemental to an act entitled, 'an act relative to the water power at Northport in Noble county,' approved January 21, 1843," have had the same under consideration, and have directed me to report the same, with an amendment, hereto subjoined, and upon the adoption of said amendment, they recommend the passage of the bill.

Strike out all after the enacting clause, and insert in lieu thereof the following:

"That it shall be the duty of the General Superintendent of the Wabash and Erie canal, in the event of the proprietor or proprietors of the land upon which it may be deemed necessary to erect mills or other machinery, conveying by deed in fee simple to the State of Indiana so much of said lands as may be deemed necessary for the erection of the same, to draw on the Treasurer of State for one thousand dollars of canal scrip, (if so much be deemed necessary,) to complete the Northport feeder dam, in the manner contemplated by the provisions of the act to which this a supplement.

"SEC. 2. It is hereby made the duty of the Treasurer of State to issue such scrip as has heretofore been issued on the Wabash and Erie canal, upon order, to him directed by the General Superintendent of said canal; and the reimbursement of the said scrip shall be made in the manner provided by the act to which this is a supplement.

"SEC. 3. This act to take effect and be in force from and after its passage."

Mr. Ewing moved to lay the report and bill, with the amendment of the committee, on the table:

Which was disagreed to.

Mr. Herriman moved to recommit the bill to a select committee;

Which was agreed to.

Ordered, That said committee be composed of Messrs. Chapman of Laporte, Herriman, and Ewing.

Mr. Davis, from the select committee to whom the subject was referred, submitted the following report:

MR. PRESIDENT:

The select committee to which was referred the petition of sundry citizens of the city of New Albany, praying an amendment to the

charter of said city, have had the same under consideration, and have directed me to report the following bill and recommend its passage:

No. 115. A bill to amend an act entitled, "An act to incorporate the city of New Albany, and to repeal all laws now in force incorporating the town of New Albany," approved February 14, 1839;

Which was read, and,

On motion by Mr. Davis,

The rule of the Senate was suspended, the bill read a second time, and referred to the committee on corporations.

Mr. Moore, from the select committee to which the subject was referred, submitted the following report:

MR. PRESIDENT:

The select committee to which was referred the petition of Edward McKew and others for the location of a State road in Randolph and Jay counties, have had the same under consideration, and directed me to report the following bill, and respectfully recommend its passage:

No. 116. A bill to locate a State road in Randolph and Jay counties;

Which was read and ordered to a second reading.

Mr. Reyburn submitted the following resolution:

Resolved, That the general superintendent on the Wabash and Erie canal be directed to communicate to the Senate his reasons for withholding his report in relation to said canal east of Lafayette; and also to furnish said report at as early a day as practicable.

Which was adopted.

Mr. Logan submitted, for consideration, the following resolution:

Resolved, That the committee on the judiciary be instructed to inquire into the expediency of so amending the 15th section of the 55th chapter of the Revised Statutes of 1843, that when any person who has been guilty of an assault and battery, or of an affray, goes before a justice of the peace, and with the consent of the person injured, orally given to such justice, pleads guilty thereto, that the justice in every such case be authorized to assess such fine as he may think reasonable, not less than one dollar, nor more than twenty dollars, and costs. With leave to report by bill or otherwise.

Which was adopted.

Mr. Orth submitted the following resolution:

Resolved, That the committee on the judiciary be instructed to inquire into the expediency of enacting a law making the several counties in this State liable for all property that may be injured or destroyed therein by riots and mobs, whenever the owners thereof cannot obtain a sufficient compensation therefor, from the persons causing such injury or destruction;

Which was adopted.

Mr. Davis introduced,

No. 117. A bill to authorize the county commissioners of Floyd county to employ a physician to attend the poor of said county;

Which was read, and,

On motion by Mr. Ewing,

The rule of the Senate was suspended,

And the bill read a second time.

Mr. Ewing moved to indefinitely postpone the further consideration of the bill,

Which was not agreed to.

The bill was then ordered to be engrossed.

Mr. Rippey introduced,

No. 118. A bill to incorporate the Elkhart brass band;

Which was read.

On motion by Mr. Rippey,

The rule of the Senate was suspended,

The bill read a second time, and referred to the committee on corporations.

The Senate then proceeded to the orders of the day.

BILLS ON A THIRD READING.

No. 97. A bill to declare a certain road therein named a State road;

No. 104. A bill to amend article 4, chapter 45, of the Revised Statutes of 1843;

No. 110. A bill providing for the location of a State road in the counties of Parke and Vermillion;

No. 112. A bill to incorporate the proprietors of the Lawrenceburgh cemetery;

Which were severally read a third time and passed.

Ordered, That the Secretary inform the House thereof, and ask their concurrence.

House bill,

No. 7. Entitled, an act to repeal a portion of an act, entitled "an act declaring Patoka a public highway, and for other purposes," so far as relates to the county of Pike;

House bill,

No. 25. Entitled, an act to change the name of James Cowdrey Smith;

House bill,

No. 13. Entitled, an act supplemental to an act, entitled, an act to change a State road in Sullivan county, approved Jan. 13, 1844;

Were severally read a third time and passed.

Ordered, That the Secretary inform the House thereof.

House bill,

No. 127. Entitled, a bill regulating the election of Secretary of State and State Librarian;

Mr. Chapman of Laporte, moved to refer the bill to the committee on elections, with instructions to strike out all that part of the bill relating to, and providing for, the election of a State librarian.

The ayes and noes being desired by two Senators,

Those who voted in the affirmative are,

Messrs. Akin, Berry, Buell of Dearborn, Carr, Chapman of Daviess, Chapman of Laporte, Edmonson, Herriman, Hutton, Jackson, Jones, Leviston, Major, Miller, Read, Rippey, Ritchey, Rockhill, and Wood—19.

Those who voted in the negative are,

Messrs. Allison, Bowers, Bradbury, Buell of Warren, Coffin, Cotton, Davis, Defrees, Dole, Ewing, Goodenow, Hamer, Henry, Hodge, Holloway, Logan, Moore, Morgan of Decatur, Morgan of Rush, Orth, Pennington, Reyburn, Stanford, and Todd—24.

So the motion to refer, with the instructions, was not agreed to.

The bill was then read a third time and passed.

Ordered, That the Secretary inform the House accordingly.

No. 54. A bill to reduce the penalties and per centage on lands delinquent for taxes for the years 1839 and 1840;

The ayes and noes being desired by two Senators,

On the question of the passage of the bill,

Those who voted in the affirmative are,

Messrs. Akin, Allison, Edmonson, Ewing, Henry, Hodge, Holloway, Hutton, Jackson, Jones, Kennedy, Major, Miller, Orth, Pennington, and Todd—16.

Those who voted in the negative are,

Messrs. Berry, Bowers, Bradbury, Buell of Dearborn, Carr, Chapman of Daviess, Chapman of Laporte, Coffin, Cotton, Davis, Defrees, Dole, Goodenow, Hamer, Herriman, Lane, Leviston, Logan, Moore, Morgan of Decatur, Morgan of Rush, Read, Reyburn, Rippey, Ritchey, Rockhill, Stanford, Tannehill, and Wood—29.

So the bill did not pass.

Mr. Reyburn moved to re-consider the vote just given, refusing to pass bill No. 54.

The ayes and noes being desired by two Senators,

Those who voted in the affirmative are,

Messrs. Akin, Allison, Buell of Warren, Coffin, Ewing, Hamer, Henry, Hodge, Holloway, Orth, Pennington, and Todd—12.

Those who voted in the negative are,

Messrs. Berry, Bowers, Bradbury, Buell of Dearborn, Carr, Chapman of Daviess, Chapman of Laporte, Davis, Defrees, Dole, Edmonson, Goodenow, Herriman, Hutton, Jackson, Kennedy, Lane, Leviston, Logan, Major, Miller, Moore, Morgan of Decatur, Morgan of Rush, Read, Reyburn, Rippey, Ritchey, Rockhill, Stanford, Tannehill, and Wood—32.

So the motion to re-consider was disagreed to.

Mr. Logan moved to re-consider the vote on the passage of bill of the House, No. 127, providing for the election of Secretary of State and State Librarian;

And the ayes and noes being desired by two Senators,

Those who voted in the affirmative are,

Messrs. Akin, Berry, Buell of Dearborn, Carr, Chapman of Daviess, Chapman of Laporte, Edmonson, Henry, Herriman, Hutton, Jackson, Kennedy, Lane, Leviston, Logan, Major, Miller, Read, Rippey, Ritchey, Rockhill, Tannehill, and Wood—23.

Those who voted in the negative are,

Messrs. Allison, Bowers, Bradbury, Buell of Warren, Coffin, Cotton, Davis, Defrees, Dole, Ewing, Goodenow, Hamer, Hodge, Holloway, Moore, Morgan of Decatur, Morgan of Rush, Orth, Pennington, Reyburn, Stanford, and Todd—22.

So the vote was re-considered.

Mr. Lane moved to refer the bill to the committee on elections, with instructions to strike out all that part of the bill providing for the election of State librarian.

Mr. Defrees moved a call of the Senate,

Which was ordered.

The Secretary proceeded to call the roll of the Senate, and reported the absentees.

On motion by Mr. Herriman,

The further call of the Senate was suspended.

The question then recurred, on the motion to refer to the committee on elections, with the instructions.

Mr. Ewing moved a call of the Senate,

Which was not agreed to.

The question was then taken on referring, with the instructions,

The ayes and noes being desired by two Senators,

Those who voted in the affirmative are,

Messrs. Akin, Berry, Buell of Dearborn, Carr, Chapman of Daviess, Chapman of Laporte, Edmonson, Herriman, Hutton, Jackson,

Jones, Kennedy, Lane, Leviston, Logan, Major, Miller, Read, Rippey, Ritchey, Rockhill, Tannehill, and Wood—23.

Those who voted in the negative are,

Messrs. Allison, Bowers, Bradbury, Buell of Warren, Coffin, Cotton, Davis, Defrees, Dole, Ewing, Goodenow, Hamer, Henry, Hodge, Holloway, Moore, Morgan of Decatur, Morgan of Rush, Orth, Pennington, Reyburn, Stanford, and Todd—23.

The Senate being equally divided, the President gave the casting vote in the affirmative.

So the bill was referred with the instructions.

Message from the House, by Mr. Farquhar, their Clerk:

MR. PRESIDENT:

The Speaker of the House of Representatives has signed an engrossed bill of the Senate, entitled,

No. 23. An act to re-charter Hanover college;

Which I have been directed to bring to the Senate for the signature of the President thereof.

And thereupon the President of the Senate affixed his signature to said enrolled bill, and it was delivered to the joint committee on enrolled bills, to be presented to his Excellency the Governor, for his approbation and signature.

Message from the House of Representatives, by Mr. Grubbs, one of its members:

MR. PRESIDENT:

The Speaker of the House of Representatives has signed the following engrossed bill of the House:

No. 34. An act to amend an act entitled, an act amendatory to the charter of Michigan city, approved Feb. 15, 1841;

Which I am directed to bring to the Senate for the signature of the President.

And thereupon the President of the Senate affixed his signature to said enrolled bill, and it was delivered to the joint committee on enrolled bills, to be presented to his Excellency the Governor, for his approbation and signature.

A message from his Excellency the Governor, by T. Brown Kinder, his private secretary:

MR. PRESIDENT:

I have been instructed by his Excellency the Governor, to inform the Senate that he has this day approved and signed the following acts:

No. 1. An act to vacate a part of the town of Mongoquinong, in the county of Lagrange;

No. 44. An act providing for a special term of the Shelby circuit court;

No. 5. An act in relation to the collection of taxes in Rising Sun;

No. 10. An act to vacate a part of a State road in the county of Noble;

All of which originated in the Senate.

ON A SECOND READING.

No. 99. A bill to revive the military spirit of Indiana;

Was read a second time.

Mr. Stanford moved to indefinitely postpone the further consideration of the subject.

The ayes and noes being desired by two Senators:

Those who voted in the affirmative are,

Messrs. Akin, Bradbury, Buell of Dearborn, Chapman of Daviess, Defrees, Henry, Hodge, Holloway, Hutton, Jackson, Jones, Leviston, Major, Moore, Morgan of Decatur, Morgan of Rush, Pennington, Reyburn, Rippey, Ritchey, Rockhill, Stanford and Wood—23.

Those who voted in the negative are,

Messrs. Allison, Berry, Bowers, Buell of Warren, Carr, Chapman of Laporte, Coffin, Cotton, Dole, Edmonson, Goodenow, Hamer, Herriman, Kennedy, Lane, Logan, Miller, Orth, Read and Tannehill—20.

So the further consideration of the said bill was indefinitely postponed.

No. 100. A joint resolution in relation to the fourth instalment of the surplus revenue;

Was read a second time.

Mr. Akin moved to refer the joint resolution to the committee on federal relations;

Which was disagreed to.

The joint resolution was then ordered to be engrossed.

No. 102. A bill to amend an act, entitled "an act to incorporate the Princeton Library Company;"

Was read a second time:

On motion by Mr. Edmonson,

The rule of the Senate was suspended;

The bill read a third time, and passed.

Ordered, That the Secretary inform the House thereof, and ask their concurrence.

No. 109. An act to amend an act, entitled "an act to amend an

act, entitled an act, supplemental to an act, subjecting real and personal property to execution," approved February 11th, 1843;

Was read a second time.

Mr. Miller moved to lay the bill upon the table.

The ayes and noes being desired by two Senators:

Those who voted in the affirmative are,

Messrs. Berry, Buell of Dearborn, Chapman of Daviess, Herriman, Hodge, Kennedy, Lane, Major, Miller, and Moore—10.

Those who voted in the negative are,

Messrs. Akin, Allison, Bowers, Bradbury, Buell of Warren, Carr, Chapman of Laporte, Coffin, Cotton, Davis, Defrees, Dole, Edmonson, Ewing, Goodenow, Hamer, Henry, Holloway, Hutton, Jackson, Jones, Leviston, Logan, Morgan of Decatur, Morgan of Rush, Orth, Pennington, Read, Reyburn, Rippey, Stanford, Tannehill, Todd and Wood—34.

So the bill was not ordered to lie upon the table.

Mr. Chapman of Laporte, moved to refer the bill to the judiciary committee, with instructions, as follows:

"To so amend it as to repeal all laws requiring an appraisement of personal property, so far as relates to contracts made, or liabilities incurred after the 4th day of July next. And also so amend it, as not to repeal the laws now in force authorizing the parties to make contracts, where the defendant shall not be entitled to the benefit of appraisement laws.

Mr. Read moved to amend the instructions, by striking out the first clause thereof.

Mr. Pennington moved to lay the instructions on the table; and

The ayes and noes being desired by two Senators;

Those who voted in the affirmative are,

Messrs. Akin, Allison, Berry, Bowers, Bradbury, Buell of Dearborn, Buell of Warren, Carr, Chapman of Daviess, Coffin, Cotton, Dole, Edmonson, Ewing, Goodenow, Hamer, Henry, Herriman, Hodge, Hutton, Jones, Kennedy, Leviston, Logan, Major, Miller, Morgan of Decatur, Pennington, Reyburn, Rippey, Ritchey, Rockhill, Stanford, Tannehill, Todd and Wood—36.

Those who voted in the negative are,

Messrs. Chapman of Laporte, Davis, Defrees, Holloway, Jackson, Lane, Moore, Morgan of Rush, Orth and Read—10.

So the instructions, with the proposed amendment thereto, were ordered to lie upon the table.

Mr. Lane moved to amend the bill by striking out the word "next," where it occurs after the words "4th of July," and insert in lieu thereof "1849."

Mr. Chapman of Laporte, moved to refer the bill, with the proposed amendment, to the committee on the judiciary, instructed to enquire into the expediency of so amending the bill, as to give to execution defendants who have families, $150 worth of property exempt from execution.

Mr. Ewing called for a division of the question, and the question being: "Shall the bill and proposed amendment be referred?"

The ayes and noes were desired by two Senators, and were as follows:

Those who voted in the affirmative are,

Messrs. Berry, Buell of Dearborn, Chapman of Daviess, Chapman of Laporte, Davis, Defrees, Edmonson, Holloway, Jackson, Jones, Kennedy, Lane, Morgan of Rush and Orth—14.

Those who voted in the negative are,

Messrs. Akin, Bowers, Bradbury, Buell of Warren, Carr, Coffin, Dole, Duzan, Ewing, Goodenow, Hamer, Henry, Herriman, Hodge, Hutton, Leviston, Logan, Major, Miller, Moore, Morgan of Decatur, Pennington, Read, Reyburn, Rippey, Ritchey, Rockhill, Stanford, Tannehill, Todd and Wood—31.

So the motion to refer was disagreed to.

Mr. Duzan moved to lay the proposed amendment upon the table;

Which was agreed to.

Mr. Todd moved to amend the bill, by striking out "two-thirds" wherever the same may occur, and insert in lieu thereof, the words "three-fourths."

The ayes and noes being desired on the proposed amendment by two Senators:

Those who voted in the affirmative are,

Messrs. Buell of Dearborn, Ewing, Henry, Herriman, Hodge, Hutton, Kennedy, Lane, Major, Reyburn, Todd, and Wood—12.

Those who voted in the negative are,

Messrs. Akin, Berry, Bowers, Bradbury, Buell of Warren, Carr, Chapman of Daviess, Chapman of Laporte, Coffin, Davis, Defrees, Dole, Duzan, Edmonson, Goodenow, Hamer, Holloway, Jones, Leviston, Logan, Miller, Moore, Morgan of Decatur, Morgan of Rush, Orth, Pennington, Read, Rippey, Ritchey, Rockhill, Stanford, and Tannehill—32.

So the motion to amend was disagreed to.

Mr. Chapman of Laporte moved to amend the bill by adding the following additional section:

"SEC. —. Nothing contained in this act shall be construed to alter or repeal any laws now in force authorizing contracts to be made without the benefit of valuation laws."

Mr. Pennington moved to lay the proposed amendment upon the table;

Which was disagreed to.

Mr. Miller moved to indefinitely postpone the further consideration of the bill and proposed amendment.

The ayes and noes being desired by two Senators,

Those who voted in the affirmative are,

Messrs. Berry, Buell of Dearborn, Chapman of Daviess, Henry, Herriman, Hodge, Jackson, Kennedy, Lane, Logan, Major, and Miller—12.

Those who voted in the negative are,

Messrs. Akin, Bowers, Bradbury, Buell of Warren, Carr, Chapman of Laporte, Coffin, Davis, Defrees, Dole, Duzan, Edmonson, Ewing, Goodenow, Hamer, Holloway, Hutton, Jones, Leviston, Moore, Morgan of Decatur, Morgan of Rush, Orth, Pennington, Read, Rippey, Ritchey, Rockhill, Stanford, Tannehill, Todd, and Wood—32.

So the motion to indefinitely postpone was disagreed to.

The question then recurred upon the motion to amend.

The ayes and noes being desired by two Senators,

Those who voted in the affirmative are,

Messrs. Bowers, Chapman of Laporte, Davis, Defrees, Dole, Goodenow, Hamer, Henry, Holloway, Jackson, Jones, Leviston, Moore, Morgan of Decatur, Morgan of Rush, Orth, Pennington, Read, and Rockhill—19.

Those who voted in the negative are,

Messrs. Akin, Berry, Bradbury, Buell of Dearborn, Buell of Warren, Carr, Chapman of Daviess, Duzan, Edmonson, Ewing, Herriman, Hodge, Hutton, Kennedy, Lane, Logan, Major, Miller, Rippey, Ritchey, Stanford, Tannehill, Todd, and Wood—24.

So the motion to amend was disagreed to.

Mr. Chapman of Laporte moved to lay the bill upon the table.

The ayes and noes being desired by two Senators,

Those who voted in the affirmative are,

Messrs. Alexander, Berry, Bowers, Buell of Dearborn, Chapman of Daviess, Chapman of Laporte, Coffin, Davis, Goodenow, Hamer, Henry, Herriman, Hodge, Jackson, Kennedy, Lane, Logan, Major, Miller, Moore, Morgan of Decatur, Morgan of Rush, Orth, Reyburn, and Rockhill—25.

Those who voted in the negative are,

Messrs. Akin, Bradbury, Buell of Warren, Carr, Dole, Duzan, Edmonson, Ewing, Holloway, Hutton, Jones, Leviston, Pennington, Read, Rippey, Ritchey, Stanford, Tannehill, Todd, and Wood—20.

So it was ordered that the said bill lie upon the table.

No. 111. A joint resolution in relation to reducing the per diem allowance of members of Congress, and for other purposes.

Mr. Lane moved to refer the joint resolution to the committee of the whole, and make it the order of the day for the present time;

Which was agreed to.

The Senate then went into committee of the whole, Mr. Lane in the chair;

And after some time spent therein, the committee rose, and through their chairman reported progress, and asked leave to sit again.

Ordered, That the report of the committee be concurred in.

Mr. Herriman moved to reconsider the vote giving the committee leave to sit again;

Which was disagreed to.

Mr. Chapman moved that the bill be made the order of the day for the 25th instant;

Which was agreed to.

No. 113. A bill in relation to the kind of funds receivable for tolls and water rents on the Wabash and Erie canal.

Mr. Lane moved to refer the bill to the committee on canals and internal improvements;

Which was disagreed to.

Mr. Davis moved to refer the bill to the committee on finance;

Which was disagreed to.

Mr. Dole moved to postpone the further consideration of the bill until Thursday next at ten o'clock, A. M.;

Which was agreed to.

House bill No. 42. Entitled, an act to repeal a certain act therein named, so far as it relates to the county of Pike;

House bill No. 143. Entitled, a bill for the relief of the president and trustees of the town of Greencastle, and for other purposes;

House bill No. 145. Entitled, an act to amend an act entitled "An act for the relief of John Law, Lucius H. Scott, Hugh Stewart, Henry V. McCall, James B. McCall, and Mary J. McCall, the heirs and legal representatives of James B. McCall, deceased;

House bill No. 148. Entitled, an act to establish a State road on the county line between the county of Elkhart and the county of St. Joseph;

House bill No. 152. Entitled, an act to incorporate the New Castle Band of Musicians;

House bill No. 153. Entitled, a bill fixing the time of holding courts in the Clark probate court, and to regulate the practice therein;

Were severally read a first time and ordered to a second reading.

Message from the House by Mr. Farquhar, their Clerk:

MR. PRESIDENT:

The House has passed engrossed bills of the Senate entitled as follows:

No. 38. An act for the relief of Francis Linck and Bayless Bennett, of Vanderburgh county;

No. 45. An act to change a county road to a State road in Sullivan county;

No. 57. An act fixing the time of holding the terms of the probate court of Marion county, and for other purposes;

No. 59. An act for the relief of the heirs of Peter Riebold, deceased;

No. 83. An act to locate a State road in the county of Switzerland;

No. 84. An act to alter the times of holding the circuit courts in the county of Marion;

No. 85. An act in relation to petit jurors in the county of Porter;

No. 91. An act to amend an act entitled, "An act to locate certain State roads therein named, and for other purposes," approved January 15, 1844;

No. 95. An act to change the name of the Indiana Baptist Manual Labor Institute to that of Franklin College.

The House have concurred in the amendment of the Senate to bill of the House entitled,

No. 162. An act for the relief of the securities of William H. Darnell.

The House have also refused to concur in the amendment of the Senate to bill of the House,

No. 78. An act for the relief of Daniel Wise.

The House have passed engrossed bills thereof entitled as follows:

No. 12. An act for the incorporation of the Philadelphia Industrial Association of St. Joseph county, Indiana;

No. 58. An act to repeal a part of section 56, chapter 12, Revised Statutes of 1843;

No. 77. An act to amend an act providing for the loaning of the school funds of Vigo county;

In which I am directed respectfully to ask the concurrence of the Senate.

On motion by Mr. Herriman,

The Senate receded from the amendment proposed to bill of the House No. 78, entitled an act for the relief of Daniel Wise, contained in the foregoing message.

No. 12. Bill of the House, entitled "an act for the incorporation of the Philadelphia Industrial Association of St. Joseph county, Indiana," contained in the foregoing message,

Was then read:

On motion by Mr. Defrees,

The rule of the Senate was suspended;

The bill read a second time, and referred to the committee on corporations.

Bill of the House, No. 58. Entitled an act to repeal a part of section 56, chapter 12, Revised Statutes of 1843;

Bill of the House, No. 77. Entitled an act to amend an act, providing for the loaning of the school funds of Vigo county, approved January 13th, 1844, contained in the foregoing message;

Were severally read, and ordered to a second reading.

A message from the House of Representatives, by Mr. Hambrick, a member thereof:

MR. PRESIDENT:

I am directed by the House of Representatives, to inform the Senate, that the House has passed the following engrossed bill thereof:

No. 182. An act to establish an additional place of holding elections in Warren township, in Putnam county;

In which the concurrence of the Senate is respectfully requested.

Bill of the House, No. 182, contained in the foregoing message,

Was read;

On motion by Mr. Hutton,

The rule of the Senate was suspended;

The bill read a second time, and ordered to lie upon the table.

The President laid before the Senate, the following communication from the Auditor of State:

AUDITOR'S OFFICE,
December 23, 1844.

To the Hon. JESSE D. BRIGHT,

President of the Senate:

SIR:—I have the honor to submit the following reply to a resolution of the Senate, adopted on the 21st inst., and which is in the following words:

"*Resolved*, That the Auditor of State be requested to inform the

Senate under what law he has assessed a road tax on bank stock—what amount has been collected of the different branches, and to what purpose the amount so collected has been applied."

By the 15th section of the bank charter, it was provided that in case of an *ad valorem* system of taxation being adopted during the existence of the charter, the individual stock in the bank, which had been fully paid out, should be subjected to the same ratio of taxation as other capital, provided said rate did not exceed one per centum, including the 12½ cents on each share, as prescribed in the preceding part of that section.

The 5th section of the act of February 6, 1841, (chapter 121, general laws,) reads as follows:

"That hereafter the capital stock of the said bank shall be taxable, in addition to the tax of twelve and one-half cents, on each share for education, only for State purposes; which tax shall be a per centum in amount each year, equal to the amount of the State tax; and to the amount of *county tax* in the county, in which the respective branch may be situated for the year, and shall be paid over by the cashier of each branch, to the Treasurer of State, and by such cashier shall be charged to the stockholders and deducted from the dividends: *Provided*, that the whole amount of tax herein provided, with the said education tax, shall not exceed one per cent. on the said capital stock." By a subsequent section of this act, the said 5th section was made a part of the bank charter, and the stockholders thereby acquired what *they* would call a *vested right* to the benefit which it conferred. The undersigned cannot agree with them as to the extent of that benefit; and hence their objection to the exercise of the authority which he has claimed, to assess a road tax upon the individual stock in the bank. Whether the words "county tax," as used in the said 5th section, mean only the tax commonly and strictly called a county tax, and so described on the duplicates; or whether they mean *any* tax levied in accordance with the powers vested in the county boards, is a question, in reference to which this office and a few stockholders in the bank, have come to a different conclusion. The latter and more general construction was given them by my predecessor, and, in making payment of the assessments for 1841, was submitted to, without remonstrance, by the officers and stockholders of the bank. And that this construction is the true one, is evident from the fact, that the act of February 15, 1841, (chapter 8, general laws,) passed within nine days after the preceding act, and which provided specifically for the collection of the tax on the individual stock in the bank, uses language wholly inconsistent with the construction contended for, by such of the stockholders as have recently made the action of this office a subject for complaint. A comparison of the two laws will show, either that the legislature of 1841, had forgotten what they had done so shortly before, or that they did not mean, at first, what it is now assumed they did. But in addition to this, the act of January 29,

1842, (chapter 63, general laws,) expressly declares, "that all stock in any of the branches of the State bank, other than that owned by the State of Indiana, shall be subject to the same ratio of taxation, for State, county, *road* and other purposes, as other capital, not exceeding one per cent., including the twelve and a half cents, set apart as a common school fund." The wording of this law will show, that the legislature of 1842, did not look upon the 5th section of the act of February 6, 1841, even after it had become a part of the bank charter, as giving to the holders of stock in that institution, a vested right to an exemption from the burthens of taxation for road purposes, to which the great mass of our citizens were, by law, subjected.

In making the assessments on individual stock in the bank for 1843, in accordance with the 9th article of the 12th chapter of the Revised Statutes, the fact that the late Auditor of State made the road tax in the respective counties a part of the charge, must have been well understood; and yet payment of that assessment was also made without objection.

Under these circumstances, the undersigned could not but regard the construction to be placed upon the act of February 6, 1841, as well settled; and if he had himself entertained a doubt as to the legality of an assessment for road purposes, he could not safely have assumed the responsibility of changing a construction, established by his predecessor, recognised by the legislature and acquiesced in by the bank.

The authority, therefore, for the assessment of a road tax on the individual stock in the State Bank, for the year 1844, is given by the said act of February 6, 1841, and that part of the 9th article of the 12th chapter of the Revised Statutes, which says, that "the Auditor of State shall proceed to assess upon each branch the amount of taxes due therefrom, according to the laws upon the subject then in force."

In reply to the second branch of the resolution, I would respectfully state, that the act of February 15, 1841, above named, provided for an assessment of fifteen cents on the hundred dollars of stock, in lieu of all county and road taxes. In consequence of the mode of assessment adopted by this law, it cannot be stated what amount was paid into the Treasury as a *road* tax, for the year 1841. For both county *and* road purposes, the payments for that year, were as follows:

By the	Indianapolis Branch,	- - - -	$115 91
" "	Lawrenceburgh "	- - - -	86 30
" "	Madison "	- - - -	154 74
" "	New Albany "	- - - -	59 38
" "	Evansville "	- - - -	99 42
" "	Bedford "	- - - -	59 42
" "	Vincennes "	- - - -	55 55
" "	Terre Haute "	- - - -	62 09

By the Lafayette Branch,	- - - -	75 63
" " South Bend "	- - - -	48 21
" " Michigan City "	- - - -	41 03
" " Fort Wayne "	- - - -	64 59
" " Richmond "	- - - -	77 55
Total for 1841,	- - - - - - - -	$999 82

The act of January 29, 1842, provided for the assessment and collection of the tax on the individual stock in the bank, by the proper county officers in the respective counties. This office is, therefore, in possession of no information as to the amount collected from the different branches, for county and road purposes, on account of the assessments made in that year.

The payments into the State Treasury, on account of assessments on stock for road purposes, in 1843, were as follows:

By the Indianapolis Branch,	- - - -	$34 55
" " Lawrenceburgh "	- - - -	101 12
" " Madison "	- - - -	34 35
" " New Albany "	- - - -	43 54
" " Evansville "	- - - -	22 62
" " Vincennes "	- - - -	33 48
" " Terre Haute "	- - - -	35 33
" " Lafayette "	- - - -	94 03
" " South Bend "	- - - -	32 11
" " Michigan City "	- - - -	63 00
" " Richmond "	- - - -	49 89
Total for 1843,	- - - - - - - -	$544 02

The payments on account of road tax for 1844, have thus far, been as follows:

By the Indianapolis Branch,	- - - -	$33 95
" " South Bend "	- - - -	31 06
" " Michigan City "	- - - -	63 00
Total,	- - - - - - - - -	$128 01

In reply to the third branch of the resolution, I would state, that no disposition has been made of the county and road taxes paid into the State Treasury, on account of assessments on bank stock. The amount so paid is now in the Treasury, subject to such disposal as the legislature may see proper to direct.

I am, very respectfully,
Your obedient servant,
HORATIO J. HARRIS,
Auditor of State.

Which,

On motion by Mr. Morgan of Decatur,

Was referred to the committee on finance.

Mr. Moore presented remonstrances from sundry citizens of the county of Montgomery, against the formation of a new county, and against severing the county of Montgomery for that purpose;

Which was referred to the select committee heretofore appointed on that subject.

The President laid before the Senate, the following communication from E. F. Lucas, General Agent of the Wabash and Erie Canal, in reply to a resolution of the Senate:

INDIANAPOLIS, *December* 23, 1844.

To the Senate of Indiana:

I have received the following resolution, adopted by your Honorable body, to-wit:

"*Resolved*, That the General Superintendent of the Wabash and Erie canal be directed to communicate to the Senate his reasons for withholding his report in relation to said canal east of Lafayette."

In reply to the direction of your Honorable body, I have to remark, that my report has not been withheld, only for want of time to prepare it. In the absence of an engineer, it is considerable labor to prepare a report embracing as much matter as the operations of the past season require. The large quantity of business transacted in the land office the past season, and that business is of so difficult a nature, is the main reason why the report has been thus long delayed. It will be furnished in a very short time, however, as it is nearly ready.

Respectfully,
E. F. LUCAS,
General Superintendent W. and E. Canal.

Mr. Miller submitted the following resolution:

Resolved, That the committee on the judiciary be directed to inquire whether or not there is any law in force authorizing county auditors to renew notes owing to the surplus revenue fund, heretofore given to the surplus revenue agents, and report accordingly.

On motion by Mr. Chapman of Laporte,

The resolution was amended by striking out "judiciary" and inserting "education;"

And was then adopted.

Mr. Hutton presented the following bill from S. P. Daniels:

INDIANAPOLIS, *December* 20, 1844.

State of Indiana, to S. P. Daniels, *Dr.*

For extra services rendered during the summer and fall of 1844, as Keeper of the State House and grounds, in days' works, cleaning house and putting down carpet, and in superintending repairing roof, - - - - - $75 00

Which was referred to the committee on claims.

Mr. Todd introduced,

No. 119. A bill to authorize the occupation, by the original proprietors, of lands set off to the use of the State, under the various acts in relation to internal improvements.

Which was read and ordered to a second reading.

On motion by Mr. Ritchey,

The Senate adjourned.

TUESDAY MORNING, DECEMBER 24, 1844.

The Senate assembled.

The Journal of the preceding day was read.

Mr. Edmonson presented the petition of George Walker and others, praying the amendment of the school law, so that in communities "where the Germans have settled in large numbers, the English language shall be taught through the medium of the German language;"

Which, under the rule of the Senate, lies over till to-morrow.

Mr. Coffin presented sundry remonstrances of the citizens of the county of Parke, against detaching any part of the county of Parke for the formation of a new county;

Which were referred to the select committee heretofore appointed on that subject.

Mr. Hodge presented the petition of James A. Walker and others, citizens of the county of Grant, praying that the office of school commissioner may be abolished in said county, and the funds placed in the hands of the township treasurers;

Which was referred to the committee on education.

Mr. Bowers presented the remonstrance of Jacob Johnson and others, citizens of the county of Dearborn, remonstrating against any part of said county being detached therefrom to be attached to the county of Ohio;

Which was ordered to lie upon the table.

Mr. Read moved to suspend the order of business and take from the table,

No. 72. A bill to attach additional territory to the county of Ohio, and for other purposes;

But afterwards withdrew his motion.

Mr. Chapman of Laporte, chairman of the committee on the judiciary, submitted the following report:

MR. PRESIDENT:

The committee on the judiciary, to whom was referred bill of the Senate No. 105, entitled, "A bill declaratory of the meaning of section 29, chapter 3, article 3, of the Revised Statutes of 1843," have had the same under consideration, and have directed me to report the same back, without amendment, and recommend its passage.

The bill was then ordered to be engrossed.

Mr. Chapman of Laporte, chairman of the committee on the judiciary, submitted the following report:

MR. PRESIDENT:

The committee on the judiciary, to whom was referred bill of the Senate No. 56, entitled, "A bill to repeal an act relative to overseers of the poor," have had the same under consideration, and have directed me to report the same back and recommend its indefinite postponement.

Ordered, That the report of the committee be concurred in, and the said bill be indefinitely postponed.

Mr. Chapman of Laporte, chairman of the committee on the judiciary, submitted the following report:

MR. PRESIDENT:

The committee on the judiciary, to whom was referred bill of the House of Representatives No. 24, entitled, "A bill to amend an act entitled, an act abolishing docket fees, dispensing with final records in certain cases, approved January 28, 1843," have had the same under consideration, and have directed me to report the same back, without amendment, and recommend its passage.

The bill was then ordered to be engrossed.

Mr. Chapman of Laporte, chairman of the committee on the judiciary, submitted the following report:

MR. PRESIDENT:

The committee on the judiciary, to whom was referred bill of the Senate No. 81, entitled, "A bill providing for the election of Secretary of State and State Librarian," have instructed me to report said bill back to the Senate and recommend its indefinite postponement.

Ordered, That the report of the committee be concurred in, and the further consideration of the bill indefinitely postponed.

Mr. Chapman of Laporte, chairman of the committee on the judiciary, submitted the following report:

MR. PRESIDENT:

The committee on the judiciary, to whom was referred a resolution directing said committee to enquire into the propriety of repealing the 88th section of the 48th chapter of the Revised Statutes, and report by bill or otherwise, have had the same under consideration, and have directed me to report "that it is inexpedient to legislate thereon."

Ordered, That the report of the committee be concurred in.

Mr. Chapman of Laporte, chairman of the committee on the judiciary, submitted the following report:

MR. PRESIDENT:

The committee on the judiciary, to whom was referred a resolution of the Senate, instructing said committee to inquire into the expediency of providing, by law, "that the circuit courts hereafter shall commence their session on Tuesday instead of Monday, with leave to report by bill or otherwise," have had the subject under consideration, and directed me to report it inexpedient to legislate thereon.

Ordered, That the report of the committee be concurred in.

Mr. Chapman of Laporte, chairman of the committee on the judiciary, submitted the following report:

MR. PRESIDENT:

The committee on the judiciary, to whom was referred a resolution of the Senate on the subject of the 233d section of the 9th article of the 30th chapter of the Revised Statutes of 1843, respecting the sale of real estate by executors and administrators, have instructed me to report that it is inexpedient to legislate on the subject.

Ordered, That the report of the committee be concurred in.

Mr. Chapman of Laporte, chairman of the committee on the judiciary, submitted the following report:

MR. PRESIDENT:

The committee on the judiciary, to whom was referred the petition of W. H. Wishard and others, in relation to abolishing the office of county auditor in the county of Johnson, have had the same under consideration, and have directed me most earnestly to recommend that the prayer of the petitioners be refused, and that no further inroads be made upon a system which has operated so beneficially upon the financial affairs of the State.

Ordered, That the report of the committee be concurred in.

Mr. Davis, from the committee on the judiciary, submitted the following report:

MR. PRESIDENT:

The committee on the judiciary to which was referred bill of the Senate, No. 51, defining the duties of supervisors, &c., have had the same under consideration, and have instructed me to report the same back to the Senate with one amendment; which is, to strike out the whole bill from its enacting clause, and insert the following: "That hereafter, when any road tax shall have been worked out according to the provisions of the laws now in force, no county treasurer shall charge or receive any per centage on the same." With this amendment the committee recommend the passage of the bill.

The amendment of the committee was concurred in, and the bill ordered to be engrossed.

Mr. Edmonson, from the committee on the judiciary, submitted the following report:

MR. PRESIDENT:

The judiciary committee to whom was referred a resolution of the Senate, instructing them to inquire into the conflicting sections of the Revised Statutes, in relation to the time of service of county treasurers, have directed me to report that inasmuch as the Senate have acted on that subject, further legislation thereon is inexpedient.

Ordered, That the report of the committee be concurred in.

Mr. Tannehill, from the committee on the judiciary, submitted the following report:

MR. PRESIDENT:

The committee on the judiciary, to whom was referred a resolution of the Senate, relative to the repeal of the 18th section of the 12th chapter of the Revised Statutes of 1843, have instructed me to report that it is inexpedient to legislate on the subject.

Ordered, That the report of the committee be concurred in.

Mr. Tannehill, from the committee on the judiciary, submitted the following report:

MR. PRESIDENT:

The committee on the judiciary, to whom was referred a resolution of the Senate, directing them to inquire into the expediency of modifying the laws in relation to suits, have had the same under consideration, and have directed me to report, that it is inexpedient to legislate upon that subject.

Ordered, That the report of the committee be concurred in.

Mr. Edmonson, from the committee on the judiciary, submitted the following report:

MR. PRESIDENT:

The committee on the judiciary, to whom was referred bill of the Senate,

No. 98. Entitled, a bill to secure to recorders their fees in certain cases;

With the pending amendment, also,

No. 89. Entitled, a bill relative to Indian contracts;

Have had the same under consideration, and have directed me to report them back to the Senate, and ask their indefinite postponement.

A division of the question being called for,

The question on concurrence was first taken on that part of the report in relation to bill No. 89, relative to Indian contracts;

Which was disagreed to.

Mr. Ewing moved to re-commit the bill to the judiciary committee;

Which was agreed to.

The question was then taken upon concurring in the other branch of the report; and,

The ayes and noes being desired by two Senators,

Those who voted in the affirmative are,

Messrs. Berry, Buell of Dearborn, Chapman of Daviess, Duzan, Lane, Leviston, and Rockhill—7.

Those who voted in the negative are,

Messrs. Akin, Alexander, Allison, Bowers, Bradbury, Buell of Warren, Carr, Chapman of Laporte, Coffin, Cotton, Defrees, Dole, Edmonson, Ewing, Goodenow, Hamer, Henry, Herriman, Hodge, Holloway, Hutton, Jackson, Jones, Kennedy, Logan, Major, Miller, Moore, Morgan of Decatur, Morgan of Rush, Orth, Pennington, Read, Reyburn, Rippey, Ritchey, Stanford, Todd, and Wood—39.

So the report was not concurred in.

Mr. Orth moved to lay the amendment upon the table;

Which was agreed to.

The bill was then ordered to be engrossed.

Mr. Defrees, from the committee on the judiciary, submitted the following report;

MR. PRESIDENT:

The committee on the judiciary, to whom was referred bill of the Senate,

No. 101. Entitled, a bill to prevent fraudulent practices in the consignment of produce and merchandize;

Have had the same under consideration, and have directed me to report it back without amendment, and recommend its passage.

The said bill was then ordered to be engrossed.

Mr. Stanford, chairman of the committee on education, submitted the following report:

MR. PRESIDENT:

The committee on education, to whom was referred a resolution of the Senate, directing an inquiry into the expediency of extending the time of final payment on school lands sold since 1843, to twenty-five years, as has been extended to purchasers of school lands sold prior to that date, have had that subject under consideration, and have directed me to report, that in their opinion such an extension would be highly injurious to the common school interest. In order to present this subject in a clear light before the Senate, we will suppose, that eighty acres of land have been sold for one hundred dollars, the prompt payment thereon would be twenty-five dollars. The interest on the remaining seventy-five dollars would be one hundred and twelve dollars and fifty cents, to which add the twenty-five dollars prompt payment, and we have the sum of one hundred and thirty-seven dollars and fifty cents for the use of the land for twenty-five years; which is only five dollars and fifty cents per year. And when it is considered that large portions of the school lands are mainly valuable on account of their timber, and that a term of twenty-five years affords time for the occupant not

only to strip the land of all its valuable timber, but also to exhaust the soil. Thus the purchaser, after occupying the land for twenty-five years, at the inconsiderable sum of five dollars and fifty cents per year, and during that time stripping it of all that is valuable, can then relinquish it, worthless to the people of the proper township; which is respectfully submitted, and the concurrence of the Senate herein requested.

Ordered, That the report of the committee be concurred it.

Mr. Lane, chairman of the committee on claims, submitted the following report:

MR. PRESIDENT:

The committee on claims to whom was referred the petition of Elijah Masters, have had the same under consideration, and directed me to report the accompanying bill, and recommend its passage:

No. 120. A bill for the relief of Elijah Masters of Daviess county;

Which was read, and,

On motion by Mr. Lane,

The rule of the Senate was suspended,

And the bill read a second time.

Mr. Ewing moved to re-commit the bill to the committee on education; but afterwards withdrew his motion.

And it was

Ordered, That the bill be engrossed.

Mr. Lane, chairman of the committee on claims, submitted the following report:

MR. PRESIDENT:

The committee on claims, to which was referred the petition of J. H. Rose and others, praying that Jacob Jones be paid out of the State treasury for building a bridge across a certain swamp on the Michigan road, in Boone county, between Northfield and Kirkland, have had the same under consideration, and have directed me to report it inexpedient to legislate on that subject at this time.

Ordered, That the report of the committee be concurred in.

Mr. Buell of Dearborn, chairman of the committee on the State Bank, submitted the following report:

MR. PRESIDENT:

The committee on the State Bank have had under consideration, so much of the annual report of the President of the State Bank, as refers to small notes. Also, a resolution of the Senate,

directing said committee to inquire into the expediency of granting to the State Bank authority to continue the issue of notes of a less denomination than five dollars, and have directed me to report the following bill, and recommend its passage:

No. 121. A bill to further extend to the State Bank of Indiana the privilege of issuing notes of a less denomination than five dollars:

Which was read, and ordered to a second reading.

Mr. Herriman, from a select committee, submitted the following report:

MR. PRESIDENT:

The select committee to whom was referred bill of the Senate,

No. 87. A bill, supplemental to an act, entitled "an act relative to the water power at Northport, in Noble county," approved January 21, 1843;

Have, according to order, had the same under consideration, and have directed me to report the bill, with two amendments herewith subjoined, and upon the adoption of said amendments by the Senate, they recommend the passage of the bill.

First amendment: Add to the first section of the bill the following words: *Provided, however*, That the superintendent can procure from Francis Comparet a deed of gift in fee simple to the State of Indiana, conveying a sufficient tract of land, for the purpose of using such water-power: *Provided, also*, That the amount of said scrip shall not exceed the sum of one thousand dollars.

Second amendment: After the word "canal," where it first occurs in the second section of the bill, insert the words, "east of Tippecanoe river."

Ordered, That the report of the committee be concurred in.

So the amendments of the committee were adopted.

On motion by Mr. Herriman,

It was ordered that the rules of the Senate be suspended, the bill considered as engrossed, and read a third time.

So said bill was read a third time and passed.

Ordered, That the Secretary notify the House of Representatives of the passage of said bill, and request their concurrence therein.

Mr. Bowers, from the select committee to whom the subject was referred, submitted the following report:

MR. PRESIDENT:

The select committee to which was referred the petition of J. W. Gordon, and a number of other citizens of Ripley county, for certain amendments to the law regulating the jurisdiction of justices of the

peace, have instructed me to report the following bill, and recommend its passage:

No. 122. A bill to revive part of an act therein named, in the county of Ripley;

Which was read.

On motion by Mr. Bowers,

The rule of the Senate was suspended,

The bill read a second time and ordered to be engrossed.

Mr. Goodenow, from the select committee appointed to consider the subject, submitted the following report:

MR. PRESIDENT:

The select committee to whom was referred the petition of sundry citizens of Jefferson county, praying the passage of an act authorizing the sale of certain school lands in said county, have, according to order, had the subject under consideration, and have directed me to report the accompanying bill, and recommend its passage:

No. 123. A bill reviving a certain act therein named;

Which was read and ordered to a second reading.

On motion by Mr. Orth,

Resolved, That the Senate will, the House concurring therein, proceed on Thursday next, at 2 o'clock, P. M., to elect a director of the State Bank, to fill the vacancy occasioned by the expiration of the term of service of James P. Drake.

On motion by Mr. Kennedy,

Resolved, That the committee on the judiciary be instructed to inquire whether or not the 17th article of section 16th, chapter 59th of the Revised Statutes of 1843, authorizes a justice of the peace to issue writs of "ne exeat," as provided for by the Revised Code of 1838; and should said article not continue in force the previously existing law, investing that officer with the authority to issue such writ, said committee be further instructed to inquire into the expediency of enacting a law, embodying the provisions of the act of 1838 upon that subject.

Mr. Hodge introduced,

No. 124. A bill for the relief of James S. Armstrong;

Which was read.

Mr. Hodge moved to suspend the rule of the Senate,

And read the bill a second time now;

Which was disagreed to.

The bill was then ordered to a second reading.

Mr. Defrees introduced,

No. 125. A bill to amend the 102d section of the 13th chapter of the Revised Statutes;

Which was read and ordered to a second reading.

Mr. Buell of Dearborn, moved to take from the table,

No. 72. A bill to attach additional territory to the county of Ohio, and for other purposes;

Which was agreed to.

Mr. Bowers moved to refer the bill together with the remonstrances on the same subject, to the select committee heretofore appointed on that subject.

Which was disagreed to.

Mr. Bowers moved to refer the bill and remonstrances to the judiciary committee.

Upon which motion,

The ayes and noes being desired by two Senators,

Those who voted in the affirmative are,

Messrs. Alexander, Bowers, Bradbury, Coffin, Cotton, Dole, Goodenow, Hodge, Holloway, Logan, Moore, Morgan of Rush, Pennington, Stanford, and Todd—15.

Those who voted in the negative are,

Messrs. Akin, Allison, Berry, Buell of Dearborn, Carr, Chapman of Daviess, Chapman of Laporte, Defrees, Duzan, Edmonson, Hamer, Henry, Herriman, Hutton, Jackson, Jones, Kennedy, Lane, Leviston, Major, Miller, Morgan of Decatur, Orth, Read, Ritchey, Rockhill, Tannehill, and Wood—28.

So the motion was disagreed to.

Mr. Ewing moved to refer the bill and remonstrances to a select committee.

Mr. Berry moved the previous question,

Which was seconded by the Senate,

And on the question, "Shall the main question be now put?"

It was decided by ayes and noes as follows:

Those who voted in the affirmative are,

Messrs. Akin, Allison, Berry, Bradbury, Buell of Dearborn, Buell of Warren, Carr, Chapman of Daviess, Chapman of Laporte, Cotton, Defrees, Dole, Duzan, Edmonson, Goodenow, Hamer, Henry, Herriman, Holloway, Hutton, Jackson, Jones, Lane, Leviston, Logan, Major, Miller, Moore, Morgan of Decatur, Morgan of Rush, Read, Reyburn, Rippey, Ritchey, Rockhill, Tannehill, and Wood—37.

Those who voted in the negative are,

Messrs. Alexander, Bowers, Hodge, Stanford, and Todd—5.

So it was ordered that the main question be now put.

Mr. Ewing moved a call of the Senate;

Which was disagreed to.

And the question recurring,

"Shall the bill be engrossed?"

The ayes and noes were desired by two Senators, and were as follows:

Those who voted in the affirmative are,

Messrs. Akin, Allison, Berry, Buell of Dearborn, Carr, Chapman of Daviess, Defrees, Dole, Duzan, Edmonson, Henry, Herriman, Hutton, Jackson, Jones, Kennedy, Lane, Leviston, Major, Miller, Morgan of Decatur, Morgan of Rush, Read, Reyburn, Rippey, Rockhill, Tannehill, and Wood—28.

Those who voted in the negative are,

Messrs. Alexander, Bowers, Bradbury, Buell of Warren, Cotton, Ewing, Goodenow, Hamer, Hodge, Holloway, Logan, Moore, Pennington, Ritchey, Stanford, and Todd—16.

So it was ordered that the bill be engrossed.

Mr. Moore introduced,

No. 126. A bill to incorporate the Crawfordsville and Wabash Railroad Company;

Which was read.

On motion by Mr. Herriman,

The rule of the Senate was suspended, the bill read a second time, and referred to the committee on corporations.

Mr. Defrees introduced,

No. 127. A bill providing for the collection of delinquent taxes at the seat of Government, and liquidating the balance due from the State to the common school fund, for distributing the same, and for other purposes;

Which was read, and,

On motion by Mr. Defrees,

The rule of the Senate was suspended, the bill read a second time, and referred to the committee on education.

Mr. Defrees introduced,

No. 128. A bill to amend an act to incorporate the University of Notre Dame du Lac, at South Bend, in St. Joseph county, Indiana;

Which was read and ordered to a second reading.

Mr. Herriman introduced,

No. 129. A bill subjecting equitable interests in school lands to sale on execution;

Which was read.

On motion by Mr. Herriman,

The rule of the Senate was suspended, the bill read a second time, and referred to the committee on the judiciary.

Leave being granted,

Mr. Rockhill, from the select committee to whom the subject was referred, submitted the following report:

MR. PRESIDENT:

The select committee to whom was referred the petition of sundry citizens of the county of Allen, on the subject of draining wet prairies, have had that matter under consideration, and have directed me to report the following bill and recommend its passage.

No. 130. A bill to authorize the draining of wet prairies in the county of Allen;

Which was read.

On motion by Mr. Rockhill,

The rule of the Senate was suspended, the bill read a second time, and referred to the committee on the judiciary.

On motion by Mr. Defrees,

The Senate took up the following message from the House by Mr. Tingley, one of its members:

MR. PRESIDENT:

I am directed by the House to inform the Senate that the House has passed the following resolution:

Resolved, That the House of Representatives will, the Senate concurring therein, proceed, on Thursday, the 26th instant, at half past two o'clock, P. M., to the election of a United States Senator to fill the vacancy occasioned by the expiration of the term of service of A. S. White; and that they will proceed from day to day in said election until a United States Senator is elected;

In which the concurrence of the Senate is respectfully requested.

Mr. Herriman moved to postpone the consideration of the message until the 30th instant.

On which,

The ayes and noes being desired by two Senators,

Those who voted in the affirmative are,

Messrs. Akin, Berry, Buell of Dearborn, Carr, Chapman of Daviess, Chapman of Laporte, Duzan, Edmonson, Herriman, Hutton, Jackson, Jones, Kennedy, Lane, Leviston, Logan, Major, Miller, Read, Ritchey, Tannehill, and Wood—22.

Those who voted in the negative are,

Messrs. Alexander, Allison, Bowers, Bradbury, Buell of Warren, Coffin, Cotton, Davis, Defrees, Dole, Ewing, Goodenow, Hamer,

Henry, Hodge, Holloway, Moore, Morgan of Decatur, Morgan of Rush, Orth, Pennington, Reyburn, Rockhill, Stanford, and Todd—25.

So the Senate refused to postpone.

Mr. Rockhill moved to reconsider the vote just taken, refusing to postpone the subject.

Upon which,

The ayes and noes being desired by two Senators,

Those who voted in the affirmative are,

Messrs. Akin, Berry, Buell of Dearborn, Carr, Chapman of Daviess, Chapman of Laporte, Duzan, Edmonson, Herriman, Hutton, Jackson, Jones, Kennedy, Lane, Leviston, Logan, Major, Miller, Read, Rippey, Ritchey, Rockhill, Tannehill, and Wood—24.

Those who voted in the negative are,

Messrs. Alexander, Allison, Bowers, Bradbury, Buell of Warren, Coffin, Cotton, Davis, Defrees, Dole, Ewing, Goodenow, Hamer, Henry, Hodge, Holloway, Moore, Morgan of Decatur, Morgan of Rush, Orth, Pennington, Reyburn, Stanford, and Todd—24.

The Senate being equally divided,

The President gave the casting vote in the affirmative.

So the vote was reconsidered.

The question then recurred on the motion to postpone to the 30th instant.

The ayes and noes being desired by two Senators,

Those who voted in the affirmative are,

Messrs. Akin, Berry, Buell of Dearborn, Carr, Chapman of Daviess, Chapman of Laporte, Duzan, Edmonson, Herriman, Hutton, Jackson, Jones, Kennedy, Lane, Leviston, Logan, Major, Miller, Read, Rippey, Ritchey, Rockhill, Tannehill, and Wood—24.

Those who voted in the negative are,

Messrs. Alexander, Allison, Bowers, Bradbury, Buell of Warren, Coffin, Cotton, Davis, Defrees, Dole, Ewing, Goodenow, Hamer, Henry, Hodge, Holloway, Moore, Morgan of Decatur, Morgan of Rush, Orth, Pennington, Reyburn, Stanford, and Todd—24.

The Senate being equally divided,

The President gave the casting vote in the affirmative.

And so the further consideration of the message was postponed until the 30th instant.

Mr. Duzan, from the joint committee on enrolled bills, submitted the following report:

Mr. President:

The joint committee on enrolled bills did, on the 24th instant, present to His Excellency the Governor, for his approbation and signature, the following enrolled bills of the House of Representatives, to-wit:

No. 18. An act to authorize the holding of a special election in Gibson county;

No. 34. An act to amend an act entitled, "An act amendatory to the charter of Michigan City," approved February 15, 1841.

The President laid before the Senate the report of E. F. Lucas, General Agent of the Wabash and Erie Canal, in relation to that part of the canal east of Lafayette.

On motion by Mr. Orth,

Ordered, That the report lie upon the table and five hundred copies be printed for the use of the Senate.

The Senate then proceeded to the Orders of the Day.

BILLS ON A THIRD READING.

Bill of the House,

No. 19. Entitled, an act to legalize the official acts of James Blair and Stearns Fisher, former commissioners of the Wabash and Erie canal;

Was read a third time and passed.

Ordered, That the Secretary notify the House accordingly.

On motion by Mr. Ritchey,

The Senate adjourned.

WEDNESDAY MORNING, December 25, 1844.

The Senate assembled.

The Journal of the preceding day was read.

Mr. Edmonson presented the petition of sundry German citizens on the subject of an amendment of the common school law;

Which, together with the petition on that subject presented yesterday, was referred to the committee on education.

Mr. Buell of Warren presented the petition of John Cox and others, stockholders in the Perrysville Canal Lock Company, on the subject of the misprint of certain names therein mentioned; and also

praying for the repeal of the eighth section of a certain act therein named;

Which was referred to the committee on canals and internal improvements.

Mr. Orth laid before the Senate a communication by him received from Jacob Durham, proposing to bestow a pecuniary reward of a certain amount upon Mr. Orth, should he use his influence to obtain the passage of an act, during the present session of the General Assembly, providing for the formation of a new county.

Mr. Pennington moved to lay said communication upon the table;

Which was disagreed to.

On motion by Mr. Defrees,

Said communication was referred to a select committee of five Senators.

Ordered, That Messrs. Defrees, Stanford, Read, Chapman of Laporte, and Hutton, constitute said committee.

Mr. Hodge presented the petition of sundry citizens of Grant county, praying for the passage of an act of the General Assembly, authorizing John Walker of said county to relinquish one half of a certain tract of land by him purchased of the school commissioner of said county, and directing the school commissioner to apply the sums heretofore advanced by said Walker to the payment of the remainder of said tract;

Which was referred to a select committee.

Ordered, That the committee consist of Messrs. Hodge, Ewing, and Buell of Warren.

Message from His Excellency the Governor by T. Brown Kinder, Esq., his private secretary:

MR. PRESIDENT:

I am authorized by His Excellency, the Governor, to inform the Senate that he has this day signed and approved the following joint resolution:

No. 11. A joint resolution reviving in part a certain act therein named;

Which originated in the Senate.

Mr. Orth presented the remonstrance of sundry citizens of Tippecanoe county against the existence, by law, of a boatmen's infirmary at Lafayette; which,

On motion by Mr. Orth,

Was ordered to lie upon the table.

Mr. Orth presented the petition of sundry citizens of Tippecanoe and Clinton counties, on the subject of the "Lafayette Turnpike Company;"

Which was referred to a select committee.

Ordered, That said committee consist of Messrs. Orth, Major, and Buell of Warren.

Mr. Morgan of Rush presented the petition of sundry citizens of Rush county, praying that voters may be confined to their own townships;

Which was referred to the committee on the judiciary.

Mr. Coffin presented the petition of sundry citizens of Parke county, on the subject of a bridge across the Wabash and Erie canal where the road from West Union to Winsett's Ford crosses said canal;

Which was referred to the committee on canals and internal improvements.

Mr. Coffin presented sundry remonstrances from the citizens of the county of Parke, remonstrating against detaching any portion of the county of Parke for the formation of a new county;

Which were referred to the committee heretofore appointed on that subject.

Mr. Ritchey presented the petition of Mildren Ann Sparks, praying for a divorce from her husband, Richard Sparks;

Which was referred to the committee on the judiciary.

Mr. Wood presented the petition of sundry citizens of the county of Randolph, praying for the passage of an act divorcing George Atkinson from his wife, Louisa Ann Atkinson;

Which was referred to the committee on the judiciary.

Mr. Ritchey, chairman of the committee on finance, submitted the following report:

MR. PRESIDENT:

The committee on finance, to whom was referred a resolution of the Senate, directing them "to report a bill authorizing the several county treasurers to pay off and take up Auditor's warrants issued to members and officers of the present General Assembly," have, according to order, directed me to report the following bill and recommend its passage:

No. 131. A bill authorizing county treasurers to pay such warrants upon the State Treasury as shall be issued under appropriations made by the present General Assembly;

Which was read.

On motion by Mr. Chapman of Laporte,

The rule of the Senate was suspended, the bill read a second time, and referred to the committee on the judiciary, with instructions to report a bill framed in accordance with the original resolution of the Senate.

Mr. Carr, from the committee on finance, submitted the following report:

MR. PRESIDENT:

The committee on finance, to whom was referred a resolution of the Senate, directing said committee to report a bill requiring the Treasurer of State to annex a list of all defaulters to his annual report, together with certain information relating thereto, have, in obedience to said resolution, directed me to report the accompanying bill and recommend its passage:

No. 132. A bill to require the Treasurer of State to annex a list of defaulters to his annual report;

Which was read and ordered to a second reading.

Mr. Davis, from the committee on the judiciary, submitted the following report:

MR. PRESIDENT:

The committee on the judiciary, to whom was referred bill of the Senate No. 88, for the relief of the estate of Samuel Lewis, late of Allen county, deceased, have had the same under consideration, and have made one amendment thereto, and have directed me to report the same back to the Senate, and with the amendment to recommend the passage of the bill.

Amend as follows:

SEC. 3. Nothing in this act contained shall be construed to discharge any of said lands from any payments of principal or interest due, or which may become due, on account of said lands to the State of Indiana.

The amendment of the committee was then concurred in, and the bill, as amended, ordered to be engrossed.

Mr. Hutton, from the committee on education, submitted the following report:

MR. PRESIDENT:

The committee on education, to which was referred bill of the House No. 2, entitled, "An act providing for the loaning of the school funds of Clay and Posey counties," have had it under consideration, and have directed me to report it back, without amendment, and recommend its passage.

Mr. Lane moved to suspend the rule of the Senate and read the bill a third time now;

Which was agreed to.

And the bill was read a third time and passed.

Ordered, That the Secretary inform the House of the passage of the bill.

Mr. Jones, chairman of the committee on canals and internal improvements, submitted the following report:

MR. PRESIDENT:

The committee on canals and internal improvements, to whom was referred a petition of sundry citizens of Cass county, praying for a bridge across the Wabash and Erie canal at Lewisburg, have had the same under consideration, and directed me to report that in the opinion of the committee, any legislation on that subject, at this time, is inexpedient.

Ordered, That the report of the committee be concurred in.

Mr. Jones, chairman of the committee on canals and internal improvements, submitted the following report:

MR. PRESIDENT:

The committee on canals and internal improvements, to whom was referred bill of the Senate No. 107, entitled, "An act to extend an act entitled, an act for the relief of settlers on the Wabash and Erie canal lands, approved February 24, 1840," approved January 14, 1844, have had the same under consideration, and directed me to report the same back and recommend its passage.

Ordered, That the bill be engrossed.

On motion by Mr. Herriman,

Resolved, That when the Senate adjourns, it will adjourn to meet to-morrow morning at nine o'clock.

On motion by Mr. Leviston,

Resolved, That the committee on education be instructed to enquire into the expediency and constitutionality of providing by law that each regularly organized district school in the several counties in this State be declared branches of the respective county seminaries, and be entitled to equal distributions of the seminary fund with the principal institution.

On motion by Mr. Holloway,

Resolved, That the committee on education be directed to enquire into the expediency of providing by law for the education of the *indigent blind* of this State, at the Kentucky asylum for the education of the blind; and for defraying the expense thereof out of the tax on the stockholders in the State Bank, for education purposes, which shall hereafter accrue: *Provided*, That not more than one thousand dollars shall be applied to such object annually, until otherwise directed by law.

Mr. Ewing submitted the following preamble and resolution:

WHEREAS, By an act entitled, "An act to reduce the prices paid for ferriages in Lawrence county," approved January 15, 1844, the

charge to citizens of said county is represented to be only one half the sum exacted of citizens of adjoining counties at the same ferries; and such inequality and partiality is deemed to be unbecoming and unjust by many sojourners: Therefore,

Resolved, That a select committee be appointed to enquire into the expediency of equalizing the charges for ferriage in Lawrence county, or repealing the special act above mentioned, so that such partial taxation may be no longer imposed;

Which was adopted.

Ordered, That the committee consist of Messrs. Ewing, Hamer, and Chapman of Daviess.

Message from the House by Mr. Farquhar, their Clerk:

MR. PRESIDENT:

The Speaker has signed the following enrolled bills of the House:

No. 9. An act to change the name of the town of Palestine to that of Poseyville;

No. 10. An act to amend an act entitled, "An act to incorporate the Porter County Manufacturing Company," approved January 13, 1844;

No. 17. An act to change the time of holding probate courts in the county of Daviess;

No. 22. An act to extend the time of the county board of Jefferson county;

No. 26. An act relating to Jackson township in Washington county;

No. 27. An act for the relief of Jacob Aughee of Warren county;

No. 162. An act for the relief of the securities of William H. Darnell, former school commissioner of Hendricks county.

The Speaker has also signed enrolled bills of the Senate entitled as follows:

No. 7. An act to extend the times of holding probate courts in the counties of Washington, Ripley, and Jefferson;

No. 9. An act relative to the fall terms of the circuit courts in the twelfth judicial circuit, and for other purposes;

No. 15. An act to extend the time of holding the May term of the Decatur circuit court;

No. 29. An act to amend an act providing for the election of supervisors of highways in the counties of Decatur, Jefferson, and Spencer;

No. 80. An act to provide for a special session of the Whitley circuit court;

Which I have been directed to bring to the Senate for the signature of the President thereof.

And thereupon the President affixed his signature to the said bills;

And they were delivered to the joint committee on enrolled bills to be presented to His Excellency the Governor for his approval and signature.

Message from His Excellency the Governor by T. Brown Kinder, Esq., his private secretary:

MR. PRESIDENT:

I am authorized by His Excellency, the Governor, to inform the Senate that he has this day approved and signed the following act:

No. 23. An act to recharter Hanover College;

Which originated in the Senate.

Mr. Todd introduced,

No. 133. A joint resolution relative to taxes prior to 1841;

Which was read and ordered to a second reading.

Mr. Ewing introduced,

No. 134. A bill to amend the "Act to establish a levee from the town of Vincennes, through the lower prairie, near the Wabash river, to the Grand Coulee," approved February 2, 1833;

Which was read.

On motion by Mr. Ewing,

The rule of the Senate was suspended, the bill read a second time, and ordered to be engrossed.

Mr. Todd introduced,

No. 135. A bill for the benefit of bail for the stay of execution;

Which was read.

On motion by Mr. Todd,

The rule of the Senate was suspended, the bill read a second time, and referred to the committee on the judiciary.

Mr. Orth moved to take from the files bill of last session entitled, "An act to incorporate the Lafayette and White River Turnpike Company;" which has been returned by the Governor, with his objections, during the present session;

Which motion was not agreed to.

Mr. Chapman of Laporte moved to take from the table bill No. 93, entitled, "A bill providing for the distribution of the saline and bank tax funds among the several counties in this State;

Which was not agreed to.

Mr. Read introduced,

No. 136. A bill repealing a certain act therein named;

Which was read.

On motion by Mr. Read,

The rule of the Senate was suspended,

The bill read a second and third times, and passed.

Ordered, That the Secretary inform the House thereof, and ask their concurrence.

Mr. Hodge introduced,

No. 137. A bill for the relief of Henry Pettinger;

Which was read.

On motion by Mr. Hodge,

The rule of the Senate was suspended, the bill read a second time, and referred to the committee on education.

Mr. Goodenow introduced,

No. 138. A bill to repeal an act entitled, "An act to amend an act entitled, an act granting to the citizens of Madison and the town of Lawrenceburgh a city charter," approved January 15, 1844;

Which was read.

On motion by Mr. Goodenow,

The rule of the Senate was suspended, the bill read a second time, and ordered to be engrossed.

On motion by Mr. Chapman of Laporte,

The Senate adjourned.

THURSDAY MORNING, December 26, 1844.

The Senate assembled.

The Journal of the preceding day was read.

Mr. Hutton presented the petition of sundry citizens of Putnam county, on the subject of the formation of a new county out of portions of the counties of Putnam, Parke, and Montgomery;

Which was referred to the select committee heretofore appointed on that subject.

Mr. Bowers presented the remonstrances of sundry citizens of Dearborn county, against detaching any portion of said county to be added to the county of Ohio;

Which were ordered to lie upon the table.

Mr. Orth presented the memorial of D. T. Yeakel, M. D., on the subject of a boatmen's infirmary at Lafayette, and praying for the passage of an act for his relief;

Which was referred to the committee on claims.

Mr. Rockhill presented the petition of James Patterson and others, citizens of the county of Adams, on the subject of a free turnpike road from St. Marys to the State line near Wiltshire; which,

On motion by Mr. Rockhill,

Was referred to a select committee.

Ordered, That the committee consist of Messrs. Rockhill, Herriman, and Rippey.

Mr. Rockhill presented the petition of John Reynolds and others, citizens of the county of Adams, praying for the appointment of three trustees or commissioners to locate a turnpike road therein described;

Which was referred to a select committee.

Ordered, That the committee consist of Messrs. Rockhill, Herriman, and Rippey.

Mr. Farmer presented the petition of Paris C. Dunning and others, citizens of Congressional township No. 9, north of range one west, in Monroe county, praying the release of John Dearmine from liability as security for Jacob L. Payne;

Which was referred to the committee on education.

Mr. Holloway presented the petition of William Cox and others, citizens of the county of Wayne, on the subject of the act concerning roads and highways, which makes all roads which have been open for the space of twenty years, public highways, and praying for the amendment of said law;

Which was referred to the committee on roads.

Mr. Todd, from the committee on finance, submitted the following report:

Mr. President:

The committee on finance, to whom was referred the resolution of the Senate, requiring said committee to inquire into the expediency of repealing so much of the revenue law as assesses a penalty of five per cent. for the non-payment of taxes, on or before the first day of January; and, also, so much of said law as attaches a further penalty of ten per cent., if not paid on or before the second Monday in February, have had the same under consideration, and directed me to report that it is inexpedient to legislate thereon.

Ordered, That the report of the committee be concurred in.

Mr. Buell of Warren, from the committee on canals and internal improvements, submitted the following report:

Mr. President:

The committee on canals and internal improvements, to which was referred the petition of the stockholders in the Williamsport canal lock company, praying for an amendment of their charter, have considered the same and directed me to report the following bill and recommend its passage:

No. 139. A bill to amend an act entitled, an act to incorporate the Perrysville canal lock company, approved February 12, 1844, and to correct a misprint therein;

Which was read, and ordered to a second reading.

Mr. Read, from the committee on the State Bank, submitted the following report:

MR. PRESIDENT:

The committee on the State Bank, to which was referred a resolution of the Senate, instructing them to inquire into the expediency of repealing all laws or parts of laws now in force, creating bank districts, except in those districts where banks have been located and are in operation, have had that subject under their consideration, and have directed me to report the following bill, and recommend its passage:

No. 140. A bill repealing certain acts relative to the establishment of bank districts;

Which was read and ordered to a second reading.

Mr. Ewing, from a select committee, submitted the following report:

MR. PRESIDENT:

The select committee to whom was referred a resolution of the Senate, instructing them to inquire into the expediency of equalizing the charges for ferriages in Lawrence county; and to repeal an act, entitled, "an act to reduce the prices paid for ferriages in Lawrence county, approved January 15, 1844," have, according to order, had the subject matter of the resolution under consideration, and have directed me to report the accompanying bill, and respectfully recommend its passage:

No. 141. A bill to repeal an act entitled, "an act to reduce the prices paid for ferriages in Lawrence county, approved January 15, 1844," and to revive the general law.

Said bill was read a first time and ordered to a second reading.

Mr. Tannehill, from a select committee, submitted the following report:

MR. PRESIDENT:

The select committee to whom was referred the petition of sundry citizens of Bartholomew county in relation to the duties of millers, have, according to order, had the same under consideration, and have directed me to report the following bill, and recommend its passage:

No. 142. A bill defining the duties of millers in certain cases;

Which was read and ordered to a second reading.

On motion by Mr. Morgan of Decatur,

Resolved, That the committee on public buildings be requested to inquire into the expediency of causing the Senate chamber and the Hall of the House of Representatives to be heated by rarified air, with leave to report by bill or otherwise.

On motion by Mr. Hamer,

Resolved, That the committee on claims be instructed to inquire into the justice and right of Felix L. Raymond to the sum of ten dollars and seventy-five cents, paid by said Raymond to a wagoner, to convey convicts in his charge, who became sick on the road to Jeffersonville.

On motion by Mr. Ewing,

Resolved, That the committee on the judiciary be instructed to inquire into the expediency of providing some relief to innocent securities of officers, in default for moneys collected on execution, and not sued upon their bonds, within the next two succeeding years, during which the officer in default was indictable for his offence.

Mr. Chapman of Laporte, introduced,

No. 143. A bill for the relief of Millens Loomer;

Which was read.

On motion of Mr. Ewing,

The rule of the Senate was suspended,

And the bill read a second time.

Mr. Ewing moved to indefinitely postpone the further consideration of the bill;

Upon which,

The ayes and noes being desired by two Senators,

Those who voted in the affirmative are,

Messrs. Alexander, Buell of Warren, Carr, Duzan, Ewing, Farmer, Goodenow, Hamer, Logan, Moore, Morgan of Decatur, Orth, Stanford, and Todd—14.

Those who voted in the negative are,

Messrs. Akin, Allison, Bowers, Bradbury, Buell of Dearborn, Chapman of Daviess, Chapman of Laporte, Coffin, Cotton, Dole, Edmonson, Herriman, Hodge, Holloway, Hutton, Jackson, Jones, Lane, Leviston, Major, Miller, Morgan of Rush, Parks, Read, Rippey, Ritchey, Rockhill, Tannehill, and Wood—29.

So the motion to indefinitely postpone was disagreed to.

The question recurred on engrossing the bill,

The ayes and noes being desired by two Senators,

And were as follows:

Those who voted in the affirmative are,

Messrs. Akin, Allison, Bowers, Bradbury, Buell of Dearborn, Chap-

man of Daviess, Chapman of Laporte, Coffin, Cotton, Dole, Edmonson, Herriman, Holloway, Hutton, Jackson, Leviston, Major, Morgan of Rush, Parks, Read, Rippey, Ritchey, Rockhill, Tannehill, and Wood—25.

Those who voted in the negative are,

Messrs. Alexander, Buell of Warren, Carr, Davis, Defrees, Duzan, Ewing, Farmer, Goodenow, Hamer, Henry, Hodge, Logan, Moore, Morgan of Decatur, Orth, Stanford, and Todd—18.

So the bill was ordered to be engrossed.

Mr. Holloway introduced,

Mo. 144. A bill to continue in force an act, entitled, "an act to incorporate the Brookville and Richmond canal company;

Which was read and ordered to a second reading.

Mr. Defrees introduced,

No. 145. A bill to amend an act to incorporate the "Brothers of St. Joseph," at South Bend, St. Joseph county, Indiana;

Which was read and ordered to a second reading.

Mr. Allison introduced,

No. 146. A bill to authorize Samuel Dyer, Sen., to erect a mill-dam across White river, in Owen county;

Which was read, and ordered to a second reading.

Mr. Hodge introduced,

No. 147. A bill to change the name of Muncietown;

Which was read, and ordered to a second reading.

Mr. Miller introduced,

No. 148. A bill to locate a certain State road therein named, in Orange county;

Which was read and ordered to a second reading.

Mr. Coffin introduced,

No. 149. A bill to change the mode of doing county business in the county of Parke;

Which was read and ordered to a second reading.

Mr. Rockhill introduced,

No. 150. A bill for the relief of the heirs and devisees of Francis Godfroy, deceased;

Which was read and ordered to a second reading.

Mr. Major introduced,

No. 151. A bill to extend the time for collecting taxes in the county of Clinton for the year 1844;

Which was read.

On motion by Mr. Chapman of Laporte,

The rule of the Senate was suspended, the bill read a second time, and referred to the committee on finance.

Mr. Defrees moved to take from the files bill of the Senate No. 94, entitled,

A bill providing for funding the State debt, the payment of the interest thereon, and for other purposes;

Which was agreed to.

The bill was then read a second time, and,

On motion by Mr. Defrees,

The further consideration thereof was postponed until Tuesday next, at two o'clock, and made the special order of the day for that time.

Mr. Chapman of Laporte moved to take from the table bill of the Senate No. 93, entitled,

A bill providing for the distribution of the saline and bank tax fund among the several counties in this State;

Which was agreed to.

Mr. Chapman of Laporte moved to refer the bill to the committee on the judiciary, with instructions to add a provision making the loaning officers and their securities, together with the several counties, liable for the amount of such fund.

Mr. Defrees moved to amend the instructions by striking out all that part relating to the officers and their securities;

Which was agreed to.

The motion to refer to the committee on the judiciary, with the instructions, was then disagreed to.

The question was then taken,

"Shall the bill be engrossed?"

The ayes and noes being desired by two Senators,

Those who voted in the affirmative are,

Messrs. Akin, Alexander, Allison, Bowers, Bradbury, Buell of Dearborn, Buell of Warren, Chapman of Daviess, Coffin, Cotton, Davis, Defrees, Dole, Duzan, Edmonson, Farmer, Goodenow, Hamer, Henry, Holloway, Hutton, Jackson, Leviston, Logan, Major, Miller, Moore, Morgan of Decatur, Morgan of Rush, Orth, Parks, Pennington, Rippey, Ritchey, Stanford, Tannehill, Todd, and Wood—38.

Those who voted in the negative are,

Messrs. Chapman of Laporte, Herriman, and Rockhill—3.

So it was ordered that the bill be engrossed.

The Senate then proceeded to the orders of the day.

ON A THIRD READING.

No. 108. Entitled, a bill to legalize certain school loans belonging to the county of Daviess;

No. 117. A bill to authorize the county commissioners of Floyd county to employ a physician to attend the poor of said county;

Which were severally read a third time and passed.

Ordered, That the Secretary notify the House of Representatives thereof and ask their concurrence.

No. 100. A joint resolution in relation to the fourth instalment of the surplus revenue.

Mr. Chapman of Laporte moved the previous question;

Which was seconded by the Senate.

And on the question,

"Shall the main question be now put?"

The ayes and noes being desired by two Senators,

Those who voted in the affirmative are,

Messrs. Alexander, Allison, Bowers, Bradbury, Buell of Warren, Chapman of Laporte, Coffin, Cotton, Defrees, Dole, Duzan, Edmonson, Farmer, Goodenow, Hamer, Henry, Herriman, Hodge, Holloway, Hutton, Jackson, Lane, Leviston, Logan, Major, Miller, Moore, Morgan of Decatur, Morgan of Rush, Parks, Pennington, Read, Rippey, Stanford, Tannehill, Todd, and Wood—37.

Those who voted in the negative are,

Messrs. Akin, Buell of Dearborn, Carr, Chapman of Daviess, Jones, Orth, Ritchey, and Rockhill—8.

So it was ordered that the main question be now put.

Mr. Chapman of Laporte moved a call of the Senate;

Which the President decided to be out of order.

Mr. Chapman of Laporte then moved a reconsideration of the vote just taken, ordering the main question;

On which,

The ayes and noes being desired by two Senators,

Those who voted in the affirmative are,

Messrs. Akin, Buell of Dearborn, Carr, Chapman of Daviess, Chapman of Laporte, Duzan, Edmonson, Herriman, Hutton, Jackson, Jones, Lane, Leviston, Logan, Major, Miller, Parks, Read, Rippey, Ritchey, Rockhill, Tannehill, and Wood—23.

Those who voted in the negative are,

Messrs. Alexander, Allison, Bowers, Bradbury, Buell of Warren, Coffin, Cotton, Davis, Defrees, Dole, Ewing, Farmer, Goodenow, Hamer, Henry, Hodge, Holloway, Moore, Morgan of Decatur, Morgan of Rush, Orth, Pennington, Stanford, and Todd—24.

So the Senate refused to reconsider the vote.

The main question was then put:

"Shall the joint resolution pass?"

The ayes and noes being desired by two Senators,

Those who voted in the affirmative are,

Messrs. Alexander, Allison, Bowers, Bradbury, Buell of Warren, Chapman of Laporte, Coffin, Cotton, Davis, Defrees, Dole, Duzan, Ewing, Farmer, Goodenow, Hamer, Henry, Herriman, Hodge, Holloway, Moore, Morgan of Decatur, Morgan of Rush, Orth, Parks, Pennington, Stanford, Tannehill, Todd, and Wood—30.

Those who voted in the negative are,

Messrs. Akin, Buell of Dearborn, Carr, Chapman of Daviess, Edmonson, Hutton, Jackson, Jones, Lane, Leviston, Logan, Major, Miller, Read, Rippey, Ritchey, and Rockhill—17.

So the joint resolution was passed.

On motion by Mr. Defrees,

The Senate adjourned.

2 *o'clock*, *P. M.*

The Senate assembled.

Mr. Herriman moved to take up the following message of the House of Representatives, by Mr. Farquhar, their Clerk:

MR. PRESIDENT:

The House of Representatives have reciprocated the resolution of the Senate, proposing to go into the election of a Bank Director, to fill the vacancy occasioned by the expiration of the term of service of James P. Drake, with an amendment thereto, fixing the time this day at two o'clock, P. M.;

In which the concurrence of the Senate is respectfully requested.

Which was agreed to.

On motion by Mr. Herriman,

The amendment of the House to the resolution was concurred in.

Leave being granted,

Mr. Orth, from the select committee appointed to consider that subject, submitted the following report:

MR. PRESIDENT:

The select committee to whom was referred sundry petitions from the counties of Clinton and Tippecanoe, on the subject of incorporating a turnpike company, have had the subject under considera-

tion, and directed me to report the following bill, entitled, "A bill to incorporate the Lafayette and Ohio Turnpike Company," and respectfully recommend its passage.

No. 152. A bill to incorporate the Lafayette and Ohio Turnpike Company;

Which was read.

On motion by Mr. Orth,

The rule of the Senate was suspended, the bill read a second time, and referred to the committee on corporations.

Message from the House of Representatives, by Mr. Farquhar, their Clerk:

MR. PRESIDENT:

The House of Representatives are now ready to proceed to the election of Bank Director.

On motion by Mr. Herriman,

Ordered, That the Secretary inform the House of Representatives that the Senate are now ready to proceed, with closed doors, to the election of Bank Director.

The Senate then, according to order, proceeded, with closed doors, to the election of a Bank Director, to fill the vacancy occasioned by the expiration of the term of James P. Drake; Messrs. Edmonson and Farmer acting as tellers.

Upon counting the votes of the first ballot it appeared that,

James P. Drake received - - - - - -	25 votes.
Robert Morrison received - - - - - -	18 votes.
John Dumont received - - - - - -	2 votes.
Blank, - - - - - - - - - -	3 votes.

James P. Drake having received a majority of all the votes given, was declared, by the President, duly elected, on the part of the Senate, a Director in the State Bank, for the term of four years from and after the expiration of his present term of service.

Ordered, That the Secretary inform the House of Representatives thereof by sealed message.

A message from the House of Representatives by Mr. Farquhar, their Clerk:

MR. PRESIDENT:

I am instructed by the House of Representatives to deliver to the Senate, the accompanying sealed message, in relation to the election of Director of the State Bank of Indiana:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate, that at an election held by the House, in pursuance of a resolution of the Senate and House of Representatives, for the purpose of electing a director of the State Bank of Indiana, to fill the vacancy of James P. Drake, whose term of service has expired, on the first ballot, with closed doors, James P. Drake received a majority of all the votes given in the House, and was, therefore, declared duly elected on the part of the House, to serve as such for four years, from and after the expiration of his present term of service.

JNO. H. FARQUHAR, *Clerk, House.*

Mr. Herriman moved to re-consider the vote on the passage of joint resolution, No. 100, entitled, a joint resolution in relation to the fourth instalment of the surplus revenue.

The ayes and noes being desired by two Senators,

Those who voted in the affirmative are,

Messrs. Akin, Berry, Buell of Dearborn, Carr, Chapman of Daviess, Chapman of Laporte, Duzan, Edmonson, Herriman, Hutton, Jackson, Jones, Kennedy, Lane, Leviston, Logan, Major, Miller, Parks, Read, Rippey, Ritchey, Rockhill, Tannehill, and Wood—25.

Those who voted in the negative are,

Messrs. Alexander, Allison, Bowers, Bradbury, Buell of Warren, Coffin, Cotton, Davis, Defrees, Dole, Ewing, Farmer, Goodenow, Hamer, Henry, Hodge, Holloway, Moore, Morgan of Decatur, Morgan of Rush, Orth, Pennington, Stanford, and Todd—24.

So the vote was re-considered.

The question then recurred upon the passage of the joint resolution;

And the ayes and noes being desired by two Senators,

Those who voted in the affirmative are,

Messrs. Alexander, Allison, Bowers, Bradbury, Buell of Warren, Coffin, Cotton, Davis, Defrees, Dole, Ewing, Farmer, Goodenow, Hamer, Henry, Hodge, Holloway, Moore, Morgan of Decatur, Morgan of Rush, Orth, Pennington, Stanford, and Todd—24.

Those who voted in the negative are,

Messrs. Akin, Berry, Buell of Dearborn, Carr, Chapman of Daviess, Chapman of Laporte, Duzan, Edmonson, Herriman, Hutton, Jackson, Jones, Kennedy, Lane, Leviston, Logan, Major, Miller,

Parks, Read, Rippey, Ritchey, Rockhill, Tannehill, and Wood—25.

So the joint resolution did not pass.

No. 105. A bill declaratory of the meaning of the 29th section of the 3d article of the 31st chapter of the Revised Statutes of 1843;

No. 98. A bill to secure to recorders their fees in certain cases;

No. 51. A bill defining the duties of county treasurer in certain cases;

No. 101. A bill to prevent fraudulent practices in the consignment of produce and merchandize;

No. 120. A bill for the relief of Elijah Masters, of Daviess county;

No. 122. A bill to revive part of an act therein named, in the county of Ripley;

No. 88. A bill for the relief of the estate of Samuel Lewis, late of Allen county, deceased;

No. 134. A bill to amend the act to establish a levee from the town of Vincennes, through the lower prairie, near the Wabash river, to the Grand coulee, approved February 2, 1833;

Were severally read a third time and passed.

Ordered, That the Secretary inform the House thereof, and ask their concurrence.

Bill of the House,

No. 24. Entitled, a bill to amend an act, entitled, an act abolishing docket fees, dispensing with final records in certain cases, approved January 28th, 1843;

Was read a third time and passed.

Ordered, That the Secretary notify the House accordingly.

No. 72. A bill to attach additional territory to the county of Ohio, and for other purposes;

Mr. Bowers moved to refer the bill to a select committee, with the following instructions: "to amend the bill so as to give to the legal voters of Dearborn and Ohio counties the privilege of adopting or rejecting the law at the next August election."

The ayes and noes being desired by two Senators,

Those who voted in the affirmative are,

Messrs. Alexander, Allison, Bowers, Bradbury, Coffin, Cotton, Ewing, Farmer, Goodenow, Hamer, Henry, Hodge, Holloway, Logan, Moore, Morgan of Rush, Orth, Pennington, Ritchey, Stanford, Tannehill, and Todd—22.

Those who voted in the negative are,

Messrs. Akin, Berry, Buell of Dearborn, Carr, Chapman of Daviess, Defrees, Dole, Duzan, Herriman, Hutton, Jackson, Jones, Kennedy, Lane, Leviston, Major, Miller, Morgan of Decatur, Parks, Read, Rippey, Rockhill, and Wood—23.

So the motion to refer, with the instructions, was disagreed to.

Mr. Bowers moved to refer the bill to the committee on the judiciary, with the following instructions: "amend the bill so that a majority of the voters of each of the counties of Dearborn and Ohio shall approve of this act, by affixing to their tickets the title of this bill, with the word 'approved.' But if a majority shall affix to the title the word 'disapproved,' then this act to be null and void."

The ayes and noes being desired by two Senators,

Those who voted in the affirmative are,

Messrs. Alexander, Allison, Bowers, Bradbury, Coffin, Cotton, Davis, Ewing, Farmer, Goodenow, Hamer, Henry, Hodge, Holloway, Logan, Moore, Morgan of Rush, Orth, Pennington, Ritchey, Stanford, and Todd—22.

Those who voted in the negative are,

Messrs. Akin, Berry, Buell of Dearborn, Carr, Chapman of Daviess, Defrees, Dole, Duzan, Herriman, Hutton, Jackson, Jones, Kennedy, Lane, Leviston, Major, Miller, Morgan of Decatur, Parks, Read, Rippey, Rockhill, Tannehill, and Wood—24.

So the bill was not so referred.

The question then being, "Shall the bill pass?"

The ayes and noes were desired by two Senators.

Those who voted in the affirmative are,

Messrs. Akin, Berry, Buell of Dearborn, Carr, Chapman of Daviess, Davis, Defrees, Dole, Duzan, Herriman, Hutton, Jackson, Jones, Kennedy, Lane, Leviston, Major, Miller, Morgan of Decatur, Rippey, Rockhill, Tannehill, and Wood—23.

Those who voted in the negative are,

Messrs. Alexander, Allison, Bowers, Bradbury, Coffin, Cotton, Ewing, Farmer, Goodenow, Hamer, Hodge, Holloway, Logan, Moore, Morgan of Rush, Orth, Pennington, Ritchey, Stanford, and Todd—20.

So the bill passed.

No. 107. A bill to extend an act, entitled, an act to revive and amend an act entitled, an act for the relief of settlers on the Wabash and Erie canal lands, approved February 24, 1840,—approved January 15, 1844;

Mr. Stanford moved to lay the bill upon the table,

Which was agreed to.

No. 138. A bill to repeal an act, entitled, an act to amend an act entitled, "an act granting to the citizens of Madison and the town of Lawrenceburgh a city charter," approved January 15, 1844.

Mr. Goodenow moved to refer the bill to a select committee, with the following instructions:

To amend the bill by adding, after the word repealed, the words "so far as the same relates to the city of Madison;"

Which was agreed to.

Ordered, That the committee consist of Messrs. Goodenow, Read, and Jones.

Mr. Duzan, from the joint committee on enrolled bills, submitted the following report:

MR. PRESIDENT:

The committee on enrolled bills have compared the following enrolled with engrossed bills of the Senate, and have found the same correctly enrolled, to-wit:

No. 80. An act to provide for a special session of the Whitley circuit court;

No. 7. An act to extend the times of holding probate courts in the counties of Washington, Ripley, and Jefferson;

No. 29. An act to amend an act providing for the election of supervisors of highways, in the counties of Decatur, Jefferson, and Spencer;

No. 9. An act relative to the fall terms of the circuit courts in the 12th judicial circuit, and for other purposes;

No. 15. An act to extend the time of holding the May term of the Decatur circuit court;

No. 23. An act to recharter Hanover College;

No. 45. An act to change a county road to a State road in Sullivan county;

No. 57. An act fixing the time of holding the terms of the probate court of Marion county, and for other purposes;

No. 84. An act to alter the times of holding the circuit courts in the county of Marion;

No. 85. An act in relation to petit jurors in the county of Porter;

No. 95. An act to change the name of the Indiana Baptist Manual Labor Institute to that of Franklin College;

No. 38. An act for the relief of Francis Linck and Bayless Bennett, of Vanderburgh county;

No. 91. An act to amend an act entitled, "An act to locate certain State roads therein named, and for other purposes," approved January 15, 1844;

No. 83. An act to locate a State road in the county of Switzerland;

No. 59. An act for the relief of the heirs of Peter Riebold, deceased;

No. 63. An act to establish an additional place of holding elections in Lafayette township in Floyd county.

Message from the House of Representatives by Mr. Farquhar, their Clerk:

MR. PRESIDENT:

The Speaker of the House has signed the following enrolled bills of the Senate:

No. 38. An act for the relief of Francis Linck and Bayless Bennett, of Vanderburgh county;

No. 45. An act to change a county road to a State road in Sullivan county;

No. 57. An act fixing the time of holding the terms of the probate court in Marion county, and for other purposes;

No. 84. An act to alter the times of holding the circuit courts in the county of Marion;

No. 85. An act in relation to petit jurors in the county of Porter;

No. 95. An act to change the name of the Indiana Baptist Manual Labor Institute to that of Franklin College;

Also, an enrolled bill of the House of Representatives, entitled,

No. 78. An act for the relief of Daniel Wise.

Which I have been directed to bring to the Senate for the signature of the President thereof.

And thereupon the President affixed his signature to said enrolled bills;

And they were delivered to the joint committee on enrolled bills to be presented to His Excellency the Governor for his approval and signature.

Mr. Duzan, from the joint committee on enrolled bills, submitted the following report:

MR. PRESIDENT:

The joint committee on enrolled bills did, on the 25th instant, present to His Excellency the Governor, for his approbation and signature, the following enrolled bills of the Senate and House of Representatives, to-wit:

No. 23. An act to recharter Hanover College;

No. 80. An act to provide for a special session of the Whitley circuit court;

No. 9. An act relative to the fall terms of the circuit courts in the twelfth judicial circuit, and for other purposes;

No. 15. An act to extend the time of holding the May term of the Decatur circuit court;

No. 7. An act to extend the times of holding probate courts in the counties of Washington, Ripley, and Jefferson;

Bills of the House:

No. 162. An act for the relief of the securities of William H. Darnell, former school commissioner of Hendricks county;

No. 27. An act for the relief of Jacob Aughee of Warren county;

No. 26. An act relating to Jackson township in Washington county;

No. 22. An act to extend the time of the county board of Jefferson county;

No. 17. An act to change the time of holding probate courts in the county of Daviess;

No. 10. An act to amend an act entitled, "An act to incorporate the Porter County Manufacturing Company," approved January 13, 1844;

No. 9. An act to change the name of the town of Palestine to that of Poseyville;

No. 29. An act to amend an act providing for the election of supervisors of highways in the counties of Decatur, Jefferson, and Spencer.

Mr. Duzan, from the joint committee on enrolled bills, submitted the following report:

MR. PRESIDENT:

The joint committee on enrolled bills did, on the 26th instant, present to His Excellency the Governor, for his approbation and signature, the following enrolled bill of the House of Representatives, to-wit:

No. 78. An act for the relief of Daniel Wise.

Also, bills of the Senate, to-wit:

No. 95. An act to change the name of the Indiana Baptist Manual Labor Institute to that of Franklin College;

No. 57. An act fixing the time of holding the terms of the probate court in Marion county, and for other purposes;

No. 85. An act in relation to petit jurors in the county of Porter;

No. 45. An act to change a county road to a State road in Sullivan county;

No. 38. An act for the relief of Francis Linck and Bayless Bennett, of Vanderburgh county;

No. 84. An act to alter the times of holding the circuit courts in the county of Marion.

BILLS ON A SECOND READING.

House bill No. 148. Entitled, an act to establish a State road on the county line between the county of St. Joseph and the county of Elkhart;

House bill No. 143. Entitled, a bill for the relief of the president and trustees of the town of Greencastle, and for other purposes;

House bill No. 153. Entitled, a bill fixing the time of holding courts in the Clark probate court, and to regulate the practice therein;

House bill No. 152. Entitled, an act to incorporate the New Castle Band of Musicians;

House bill No. 77. Entitled, an act to amend an act providing for the loaning of the school funds of Vigo county, approved January 13, 1844;

Were severally read a second time and ordered to a third reading.

House bill No. 42. Entitled, a bill to repeal a certain act therein named, so far as it relates to the county of Pike;

Was read a second time.

On motion by Mr. Edmonson,

The rule of the Senate was suspended,

The bill read a third time, and passed.

Ordered, That the Secretary inform the House accordingly.

House bill No. 145. Entitled, a bill to amend an act entitled, "An act for the relief of John Law, Lucius H. Scott, Hugh Stewart, Henry V. McCall, James B. McCall, and Mary J. McCall, the heirs and legal representatives of James B. McCall, deceased.

Mr. Ewing moved to amend the bill by striking from the first section the words "within five years;"

Mr. Dole moved to refer the bill, with the proposed amendment, to the committee on canals and internal improvements;

Which was agreed to.

Leave being granted,

Mr. Buell of Dearborn introduced,

No. 153. A bill to authorize the purchase of real estate by George W. Lane;

Which was read.

On motion by Mr. Buell of Dearborn,

The rule of the Senate was suspended, the bill read a second time, and ordered to be engrossed.

House bill No. 58. Entitled, an act to repeal a part of section 56, chapter 12, Revised Statutes of 1843;

Was read a second time, and,

On motion by Mr. Chapman of Laporte,

Was referred to the committee on finance.

No. 114. A bill to repeal the act changing the time for the payment of taxes, approved January 15, 1844;

Was read a second time, and,

On motion by Mr. Chapman of Laporte,

Was referred to the committee on the judiciary.

Leave being granted,

Mr. Orth introduced,

No. 154. A bill to amend an act entitled, "An act regulating the time of holding courts in the county of Tippecanoe," approved Jan. 15, 1844;

Which was read.

On motion by Mr. Orth,

The rule of the Senate was suspended, the bill read a second and third times, and passed.

Ordered, That the Secretary inform the House of Representatives of the passage thereof, and ask their concurrence.

Leave being granted,

Mr. Farmer introduced,

No. 155. A bill amendatory to an act entitled, "An act abolishing docket fees and dispensing with final records in certain cases," approved January 28, 1843;

Which was read and ordered to a second reading.

No. 116. A bill to locate a State road in Randolph and Jay counties;

Was read a second time and ordered to be engrossed.

Message from His Excellency the Governor by T. Brown Kinder, Esq., his private secretary:

MR. PRESIDENT:

I am authorized by His Excellency, the Governor, to inform the Senate that he has this day approved and signed the following acts:

No. 80. An act to provide for a special session of the Whitley circuit court;

No. 7. An act to extend the time of holding probate courts in the counties of Washington, Ripley, and Jefferson;

No. 15. An act to extend the time of holding the May term of the Decatur circuit court;

No. 9. An act relative to the fall terms of the circuit courts in the twelfth judicial circuit, and for other purposes;

No. 38. An act for the relief of Francis Linck and Bayless Bennett, of Vanderburgh county;

No. 85. An act in relation to petit jurors in the county of Porter;

No. 29. An act to amend an act providing for the election of supervisors of highways in the counties of Decatur, Jefferson, and Spencer;

No. 84. An act to alter the times of holding the circuit courts in the county of Marion;

No. 45. An act to change a county road to a State road in Sullivan county;

No. 95. An act to change the name of the Indiana Baptist Manual Labor Institute to that of Franklin College;

No. 57. An act fixing the time of holding the terms of the probate court in Marion county, and for other purposes;

All of which originated in the Senate.

No. 113. A bill in relation to the kind of funds receivable for tolls and water rents on the Wabash and Erie canal;

Which had been previously read a second time, and the conside ration thereof postponed until to-day, was taken up, and,

On motion by Mr. Defrees,

It was ordered that the consideration of said bill be postponed until to-morrow morning at ten o'clock.

Mr. Bowers asked and obtained leave to withdraw from the files the remonstrances presented by him, on the subject of attaching a portion of Dearborn to Ohio county.

The President laid before the Senate the following communication from His Excellency the Governor, with the accompanying letter from Samuel R. Johnson and others, on the same subject:

LAFAYETTE, IND.
November 22, 1844.

To his Excellency JAMES WHITCOMB,
Governor of Indiana:

By the second section of the act for the establishment of the Boatmen's Infirmary, in the town of Lafayette, county of Tippecanoe, State of Indiana, it is made the duty of the board of examiners to report to the Governor of State all such information as may be of importance to the general character of the institution.

In conformity with this requirement, we, the board of examiners, do state, that on the first of July, 1844, we visited the infirmary and made an examination of all its arrangements, and of all that had been accomplished. We were highly satisfied with every thing we saw. The site chosen is very judicious, being elevated with a clear extended prospect; and so situated as to command a fine circulation of air, and in every way to promote health and cheerfulness. The edifice, though the front part was not yet built, was well planned and constructed, and so far finished as to be ready for the immediate reception of patients. The rooms were very commodious, neat, and pleasant, and the beds, bedsteads, stands, &c., gave us an impression that every thing had been done which was requisite for the comfort of the inmates. The whole appearance of the infirmary was quite inviting.

Since that time nothing has been done; and a state of circumstances has arisen, to which we beg the particular attention of your Excellency. The means provided by the Legislature, for the support of the infirmary, have proved unavailable. The collection of the sums due, could not be enforced, and the circuit court, to which the cases were referred, pronounced the act of the Legislature unconstitutional. By this event, the attending physician, Doct. D. T. Yeakel, has been brought into a very embarrassing position. Having attended most sedulously to all his allotted duties—having given his time and care most faithfully to the work—having advanced the means, or incurred the responsibility for all expenditures, under his entire conviction that he was to be sustained and compensated by

the State of Indiana, whose law he considered effectual, and whose faith pledged. He now finds the expected resources have failed, and is entirely at a loss what to do, unless the Legislature deem it right and proper to interfere for his relief.

From his communication to us, we copy the following: "In this enterprise, I have had in view only the amelioration of the condition of this portion of our citizens, when sick. In earnest of this, my object, I have erected the building on an extremely eligible site. The buildings are as good and substantial as they could well be constructed; the interior comfortable and convenient. The furniture, beds, bedding, &c. is of the most durable and comfortable description, quite equal to that used in any institution I have had an opportunity of examining in this country.

"In the purchase of the lots occupied by the building, the erection of the buildings, and the furnishing of the same, I have expended and am responsible for 2,763 dollars 41½ cents; $1,351 41½ of which total amount has been paid, and $1,412 of which remains unpaid. The lots were purchased for 525 dollars, which is a portion of the debt unpaid. Since the first of July, 1844, at which time the law should have been enforced, and from which time I should have been receiving the proceeds arising from the tax, three liens have been filed against the property, for materials furnished and work done. Which liens are at this time being prosecuted in the Tippecanoe circuit court. The amount due the persons prosecuting their liens, is 887 dollars, which added to the 525 dollars due on the lots, makes the amount of 1,412 dollars which remains unpaid, and by which I am at present embarrassed. I am the sole sufferer in this matter; and I think it cruel and unjust that I should be, as I have acted entirely under the auspices of a solemn Legislative act, believed by myself, and considered by the power which created it, not only perfectly valid, but amply sufficient to be carried into effective operation."

What course is just and best under the circumstances of the case, we presume not to dictate to your Excellency. Doct. Yeakel is very desirous of seeing this asylum for the sick and needy, in operation, either as a public or private establishment. And his case *he thinks*, would be met, either by the ratification of the present law, with the passage of a few additional sections, continuing it, as a public institution, or by an appropriation to him of an amount equal to the present demand against the property; thus enabling him to open it as a private establishment. Should your Excellency take a favorable view of his case, and present the matter to the consideration of the Legislature, in your annual message, or by special message, or in any such way as may approve itself to your judgment, we doubt not it would be very auspicious to his interests.

SAMUEL R. JOHNSON,
THOS. T. BENBRIDGE,
RUDOLPH S. FORD.

EXECUTIVE DEPARTMENT,
Dec. 26, 1844.

To the President of the Senate:

SIR: Herewith is transmitted the report of the Board of Examiners of the boatmen's infirmary, established at Lafayette, made pursuant to the requirements of the second section of the act of last session for the establishment of that institution.

By this document it will be seen, that after the present proprietor had incurred considerable expense and embarrassment in the construction of the infirmary, the means sought to be secured to him by the act referred to, with which to enable him to render the institution useful to the community, and afford a proper remuneration for expenses necessarily incurred, and services to be rendered, have proved unavailing, by reason of a decision of the Tippecanoe circuit court, pronouncing the said act unconstitutional.

The case strongly appeals to the justice of the Legislature, either to provide for the remuneration of the proprietor, or by further legislation to secure the objects of the original act of the Legislature, as the wisdom of that body may deem the most advisable.

With much respect,
Your obedient servant,
JAS. WHITCOMB.

Which,
On motion by Mr. Orth,
Were referred to the committee on claims.
On motion by Mr. Edmonson,
The Senate adjourned.

FRIDAY MORNING, DECEMBER 27, 1844.

The Senate assembled.

The Journal of the preceding day was read.

The President laid before the Senate the following communication from the Treasurer of State:

TREASURER'S OFFICE,
Indianapolis, December 26, 1844.

HON. JESSE D. BRIGHT,
President of the Senate:

In responding to a resolution of the Senate of the 21st instant, I have the honor to lay before you an exhibit, accompanying this paper, showing the amount appearing to be in the late Treasurer's hands, by the Treasury books, at the time I came into office, which is the first item on the debtor side of the exhibit. This exhibit is a copy of an account recently made out by Mr. Dunn, and signed by him and myself, which is correct according to the previous account kept by me of the same transaction, except as to the dates of a few of the small items, which I considered immaterial.

It will be seen by this statement, that there has not appeared to be any deficit upon the books of the Treasury, against the late Treasurer, at any time, but that he placed in my hands a large surplus. The reason of this was (as Mr. Dunn informed me), on account of a large amount of unofficial receipts which he had given, and which he desired me to redeem, giving my official receipts for the same, and charge the amount to him, against the surplus deposited or paid over for that purpose, and thus bring the amount regularly charged against me upon the Treasury books.

This was done to a large amount during the summer, still leaving, at the time of my annual report, an unexpended balance to be applied to such outstanding receipts of about eighty thousand dollars. This I had supposed, from the understanding had from Mr. Dunn, would be about the amount of the residue of such outstanding receipts, and which I expected to redeem, giving my official receipts for the same; but no farther, however, than the amount deposited would meet, but the amount I had supposed sufficient; nor was I aware until about Saturday of the first week or beginning of the second week of the present session, that Mr. Dunn found himself a loser, as he alleged, or had not sufficient in my hands to meet all such outstanding receipts which he expected would be returned here to be redeemed.

The first knowledge I had that Mr. Dunn computed such deficiency, he accompanied the same with a schedule of the outstanding receipts, and also a further deposite of funds (as hereinafter described), designed to redeem the outstanding receipts, unless some action of the Legislature should allow that by some accident or casualty, the balance, as found on Treasury books against him, is too large, and should be reduced some ten thousand dollars; in which case it would leave a larger amount, and a probable sufficiency of the former amount deposited to redeem the outstanding receipts. And this last deposite would then be withdrawn, otherwise it is to remain and be specially applied to make up any balance that may be required to meet the outstanding receipts; and I am authorized by Mr. Dunn to

sell and dispose of the State bonds, and invest the same in treasury notes for that purpose.

The last deposite made by Mr. Dunn, as above referred to, is as follows:

4 Indiana State Bonds, 5 per cent., date 1st July, 1838, signed by Coe, Smith, and Farrington, numbered 3149, 3242, 3429, and 3677, which, with coupons thereon attached, and due on 1st January, 1845, amount to - - - - - - - - - -	$4,800 00
1 Indiana 5 per cent. State Bond, date July 1, 1840, signed by Stapp and Palmer, No. 4312, which, with coupons thereon attached, and due 1st January next, amount to - - - - - - - - - -	1,200 00
1 Indiana 5 per cent. State Bond, date 1st July, 1839, signed by Stapp and Scott, No. 203, which, with coupons attached, and due 1st Jan., 1845, amount to - - - - - - - - - - -	1,175 00
Total State Bonds and interest to 1st Jan., 1845, -	$7,175 00
Also, 74 Indiana Treasury Notes, 50 dollars each, of the date of 20th April, 1840, principal $3,700, interest to Nov. 1, 1844, $1,004 92—total, - -	$4,704 92
47 Indiana Treasury Notes, of 5 dollars each, of same date, principal $235 00, interest to 1st Nov., 1844, $63 92, - - - - - - - - - -	298 92
Total Indiana Treasury Notes and interest to 1st November, 1844, - - - - - - - - -	$5,003 84

The above is stated according to the interest computed by Mr. Dunn. He has also since added to the above deposite the following:

Dec. 20.	Treasury Notes, 120 dollars, - - -	$120 00
Dec. 23.	Treasury Warrant, 500 dollars, - - -	500 00
		$620 00

The total thus deposited being:

State Bonds and interest, - - -	$7,175 00	
First lots of Scrip and interest, - -	5,003 84	
Second lot of Scrip and Warrant, -	620 00	
		$12,798 84

Respectfully, your obedient servant,

R. MAYHEW.

Dr. *George H. Dunn, late Treasurer of State,*

1844—Feb. 16.		
To R. Mayhew's receipt for this amount, being the balance in late Treasurer's hands, as per Treasury books,		$279,516 05
To amount of sundry receipts given by G. H. Dunn to county treasurers and others, redeemed by R. Mayhew,		15,763 54
To amount of sundry receipts given by G. H. D. to mortgagers to Lawrenceburgh and Indianapolis Railroad Company,	$5,578 12	
Amount of new receipts given on same account,	1,788 82	
		7,366 94
May.		
To amount of sundry receipts given by G. H. D. to mortgagers to L. and I. Railroad Co. redeemed by R. Mayhew,		46,624 00
Amount of do. to H. Fitch,	$4,054 00	
do. do. J. Shannon,	1,224 00	
	5,278 00	
Amount J. F. Shannon, on new account,	750 94	
Amount R. Bohanan, on new account,	1,370 00	
Amount Jas. Shannon, on new account,	49 05	
	2,169 99	
		7,447 99
June.		
Amount of receipt for George H. Dunn's mortgage,	2,500 00	
Amount of receipt for E. D. John (S. S. Harding),	4,098 92	
Amount of receipt for G. P. Buell (St. Clair),	2,000 00	
Amount of receipt for O. Tousey (Nevitt),	1,200 00	
Amount of receipt for Jno. Dawson,	9,000 00	
Amount of receipt for Tate, Dunn, and Springer,	4,185 45	
Amount of receipt for D. Gageby,	1,092 45	
Amount of receipt for D. V. Culley,	525 00	
Amount of receipt for D. V. Culley,	1,045 00	
Amount of receipt for M. Welsh,	1,201 25	
		26,848 12
Amount carried over,		$383,566 64

in account with the State of Indiana. Cr.

1844—Feb. 16.		
By amount of Canal Scrip west of Tippecanoe as follows:		
No. 21401 to 21500, letter D,	$500 00	
No. 21501 to 24999, letters A, B, C, D,	69,980 00	
Irregular numbers,	170 00	
Same kind of Scrip, No. 1 to 600, letters E, F, G, H,	120,000 00	
		$190,650 00
By amount of Canal Scrip east of Tippecanoe, No. 19235 to 19462,	5,140 00	
Less, missing numbers 19453 to 19462, and 19578 to 19587, inclusive, 20 bills,	100 00	
		5,040 00
Illinois Scrip,		320 00
A lot of Indiana Treasury Notes, no interest charged,		6,280 00
Cash, being current funds,		575 37
Amount of certain advances and requisitions paid at the Treasury, as per schedule,		34,256 58
Certificates of deposite for Canal Scrip west of Tippecanoe, in Fort Wayne Branch Bank,		4,296 51
Certificates of deposite for Canal Scrip west of Tippecanoe in Lafayette Branch Bank,		100 41
Indiana Treasury Notes, quarter per cent.,		28,750 00
Amount of draft sent W. W. Reed for State Library account,		97 08
Cash,		73 45
Indiana Treasury Notes and interest received for revenue of 1843,		179,587 35
Canal Scrip, west of Tippecanoe,		3,645 00
5 State Bonds, with coupons thereon,		5,750 00
Sundry receipts, warrants, and orders,		898 56
A lot of Indiana Treasury Notes, no interest charged,		480 00
A lot of Indiana Treasury Notes—		
Principal,	$550 00	
Interest to Nov., 1843,	110 58	
		660 58
A lot of Canal Scrip, west of Tippecanoe,		330 00
2 State Bonds, numbered 4580 and 3532, with coupons from July 1, 1841,		2,300 00
3 extra coupons,		75 00
2 small receipts of R. Mayhew,		3 09
Warrants numbered 7913, 7914, and 7915,		179 00
Amount carried over,		$464,359 37

Dr. *George H. Dunn's*

Amount brought over, - - - - - - -		$383,566 64
Amount of receipt D. V. Culley, 3 receipts for losses on Railroad, - - - -	61 41	
Amount of receipt D. Gageby, 3 receipts for losses on Railroad, - - - -	38 89	
		100 30
Amount of G. H. Dunn's receipt to Treasurer of Randolph, - - - - - - - - - -		289 21
Amount of G. H. Dunn's order on Treasurer of Blackford, in favor of W. Hadden, - - - - -		48 00
Amount of G. H. Dunn's 2 receipts to Fletcher and Butler for taxes—$2 16—$1 24, - - - - -		3 40
Amount of G. H. Dunn's order on Treasurer of Shelby county, in favor of A. C. Handy, - - - - -		100 50
Amount of G. H. Dunn's acceptance of T. R. Baldwin's order in favor of Parker, - - - - -		24 00
		$384,132 05
Balance on hand to meet receipts of G. H. Dunn yet outstanding, - - - - - - - - -		80,227 32
		$464,359 37

December 7, 1844.

Account—Continued. Cr.

Amount brought over, - - - - - - -	$464,359 37
	$464,359 37

The above is a copy as signed by G. H. Dunn and R. Mayhew, a few days before Mr. Dunn left town. I think it was signed a few days later than the above date, but did not think it material.

R. MAYHEW.

Which,

On motion by Mr. Buell of Dearborn,

Was referred to the committee on claims.

Mr. Defrees presented the petition of J. L. Jernegan, John Gilmore, George C. Merrifield, John Bromfield, and others, citizens of the county of St. Joseph, praying the passage of a law, providing for the payment of the interest on the State debt; which,

On motion by Mr. Defrees,

Was referred to the committee on finance.

Mr. Farmer presented the petition of William Chandler, of Monroe county, and of William Taylor and others, of the same county, asking for relief;

Which was referred to the committee on education.

Mr. Farmer presented a communication from C. P. Hester and others, on the subject of an amendment to an act entitled, "an act to incorporate the Monroe county female seminary, approved Jan. 22, 1833;" which,

On motion by Mr. Farmer,

Was referred to the committee on education.

Mr. Bowers presented the petition of J. W. Gordon and others, citizens of the county of Ripley, praying for the passage of an act changing the time of holding the probate court of said county.

Which was referred to a select committee.

Ordered, That said committee consist of Messrs. Bowers, Henry, and Logan.

Mr. Ritchey asked, and obtained leave, to withdraw the petition of Mildren Ann Sparks, praying for a divorce from her husband, which was presented by him.

Mr. Todd presented the petition of Isaac Smock and others, citizens of the counties of Marion and Johnson, praying for the renewal of the charter of Greenwood academy;

Which was referred to a select committee.

Ordered, That the committee consist of Messrs. Todd, Ritchey, and Bradbury.

Mr. Parks asked, and obtained leave, to withdraw from the files the petitions of Rebecca Goble and Henry Myers and others, on the subject of a divorce, which were presented by him.

Mr. Coffin asked, and obtained leave, to withdraw the petition of Richard Keene, praying to be divorced from his wife.

Mr. Buell of Dearborn, presented a communication from J. F. D. Lanier, President of the Branch at Madison, of the State Bank, on the subject of State bonds, in their possession;

Which was referred to the committee on the State bank.

Mr. Henry asked, and obtained leave, to withdraw from the files, the petition of John Dumont, asking remuneration from the State.

Mr. Orth asked, and obtained leave, to withdraw from the files, the petition presented by him, from sundry citizens of Tippecanoe county, on the subject of shooting matches.

Mr. Orth presented the petition of J. S. Reynolds and others, citizens of Tippecanoe county, praying that soldiers who served in the bloody campaign, known as the Black Hawk war, may be exempted from doing military duty, working on the highways—and holding offices of profit only; with such other privileges as the Legislature may deem proper; which,

On motion by Mr. Buell of Dearborn,

Was referred to the committee on military affairs, with instructions to report the claims of the petitioners to the exemptions prayed for.

Mr. Buell, from the committee on finance, submitted the following report:

MR. PRESIDENT:

The committee on finance, to whom was referred the report of the State agent, and particularly that part of said report suggesting the propriety of closing up the suspended debt without further delay, have directed me to report the following bill, and recommend its passage:

No. 156. A bil to authorize the closing up of the suspended debt;

Which was read and ordered to a second reading.

Mr. Ritchey, chairman of the committee on finance, submitted the following report:

MR. PRESIDENT:

The committee on finance, to whom was referred a communication from the Auditor of State, in answer to a resolution of the Senate, inquiring of him, "under what law he assessed a road tax on bank stock; what amount has been collected of the different Branches; and to what purpose the amount so collected has been applied," have carefully examined the answer given by the Auditor, and consider his reasoning conclusive. The fact that heretofore the tax has been assessed and paid into the treasury by the various Branches of the State Bank, without questioning the legality of the assessment, is sufficient evidence of the correctness of the views taken by the present Auditor, as well as his predecessor.

Inasmuch as no disposition has been made of the sums collected, and now lying in the treasury as county and road taxes on bank stock, as exhibited in the statement of the Auditor, and as the committee are of opinion that the aforesaid funds should be distributed and not suffered to remain unappropriated in the State treasury, they have directed me to report the following bill and recommend its passage:

No. 157. A bill providing for the distribution of the road tax paid into the State treasury by the several Branches of the State Bank;

Which was read and ordered to a second reading.

The hour having arrived for the consideration of

No. 113. A bill in relation to the kind of funds receivable for tolls and water rents on the Wabash and Erie canal;

Mr. Herriman moved to refer the bill to the committee on canals and internal improvements,

But afterwards withdrew his motion.

Mr. Davis moved to refer the bill to the committee on finance.

Mr. Herriman moved to indefinitely postpone the further consideration of the bill.

Mr. Orth moved a call of the Senate,

Which was disagreed to.

The question recurring on the motion to indefinitely postpone,

Mr. Ewing moved a call of the Senate,

Which was disagreed to.

The question then recurring on the motion to indefinitely postpone,

The ayes and noes were desired by two Senators,

And were as follows:

Those who voted in the affirmative are,

Messrs. Akin, Alexander, Allison, Buell of Warren, Chapman of Daviess, Coffin, Dole, Edmonson, Farmer, Herriman, Hutton, Jones, Kennedy, Lane, Major, Moore, Orth, Parks, Todd, and Wood—21.

Those who voted in the negative are,

Messrs. Bowers, Bradbury, Carr, Chapman of Laporte, Cotton, Davis, Defrees, Duzan, Ewing, Goodenow, Hamer, Henry, Holloway, Jackson, Leviston, Logan, Miller, Morgan of Decatur, Morgan of Rush, Pennington, Read, Rippey, Ritchey, Rockhill, Stanford, and Tannehill—26.

So the bill was not indefinitely postponed.

Mr. Herriman moved to postpone the consideration of the bill until next Friday,

And the ayes and noes being desired by two Senators,

Those who voted in the affirmative are,

Messrs. Akin, Alexander, Allison, Berry, Chapman of Daviess, Chapman of Laporte, Coffin, Dole, Edmonson, Farmer, Herriman, Hutton, Jones, Kennedy, Lane, Major, Moore, Orth, Parks, Reyburn, and Todd—21.

Those who voted in the negative are,

Messrs. Bowers, Bradbury, Carr, Cotton, Davis, Defrees, Duzan,

Ewing, Goodenow, Hamer, Henry, Holloway, Jackson, Leviston, Logan, Miller, Morgan of Decatur, Morgan of Rush, Pennington, Read, Rippey, Ritchey, Rockhill, Stanford, Tannehill, and Wood —26.

So the motion to pospone was disagreed to.

Mr. Chapman of Laporte, moved to lay the bill upon the table,

Which was disagreed to.

Mr. Akin moved to adjourn,

Which was disagreed to.

The question recurring, on the motion to refer the bill to the committee on finance,

The ayes and noes being desired by two Senators,

Those who voted in the affirmative are,

Messrs. Alexander, Allison, Bowers, Bradbury, Buell of Warren, Carr, Chapman of Laporte, Cotton, Davis, Defrees, Duzan, Ewing, Goodenow, Hamer, Henry, Holloway, Jackson, Lane, Leviston, Logan, Major, Miller, Moore, Morgan of Decatur, Morgan of Rush, Orth, Parks, Pennington, Rippey, Ritchey, Rockhill, Stanford, Tannehill, Todd, and Wood—35.

Those who voted in the negative are,

Messrs. Akin, Chapman of Daviess, Coffin, Dole, Edmonson, Farmer, Herriman, Hutton, Jones, Kennedy, and Read—11.

So the bill was referred to the committee on finance.

Message from the House of Representatives, by Mr. Farquhar, their Clerk:

MR. PRESIDENT:

The Speaker of the House has signed the following enrolled bills of the House, to-wit:

No. 7. An act to repeal a portion of an act entitled, "An act declaring Patoka a public highway, and for other purposes," so far as it relates to the county of Pike;

No. 25. An act to change the name of James Cowdrey Smith.

Also, the following enrolled bills of the Senate, to-wit:

No. 59. An act for the relief of the heirs of Peter Riebold, deceased;

No. 83. An act to locate a State road in the county of Switzerland;

No. 91. An act to amend an act entitled, "An act to locate certain State roads therein named, and for other purposes," approved January 15, 1844;

Which I have been directed to bring to the Senate for the signature of the President thereof.

And thereupon the President signed said enrolled bills;

And they were delivered to the joint committee on enrolled bills to be presented to His Excellency the Governor for his approbation and signature.

On motion by Mr. Henry,

The Senate adjourned.

2 o'clock, P. M.

The Senate assembled.

Mr. Chapman of Laporte, chairman of the committee on the judiciary, submitted the following report:

MR. PRESIDENT:

The committee on the judiciary, to whom was referred bill of the House of Representatives No. 127, entitled, "A bill to provide for the election of a Secretary of State and State Librarian," have, according to order, directed me to report the same back, with the following amendments, and recommend their adoption:

1st. Strike out all after the enacting clause and insert the following:

That when the term of the Secretary of State is about to expire, it shall be the duty of the General Assembly, at the session last preceding the expiration of such term of service, to elect, by joint ballot of both Houses, on such day and at such place as they may agree upon, a suitable person, to serve as Secretary of State for the State of Indiana, for the term to be occasioned by such vacancy.

SEC. 2. In all such elections, the President of the Senate shall preside, there shall be two tellers appointed by the President of the Senate, and two by the Speaker of the House of Representatives, in their Houses respectively, before they meet to conduct such election; and in voting, each member shall be called alphabetically, beginning with the Senators; and when voting, it shall be the duty of the Secertary of the Senate and the Clerk of the House of Representatives to attend, and take down the names of each person voting, and keep a tally of the votes received by each person voted for, as the tellers read the tickets; which tally papers they shall compare after the votes are counted out, and if they agree, they shall jointly sign each of them, and deliver them to the President of the Senate, who, together with the Speaker of the House of Representatives, shall examine them, and if any one person is elected, he shall, by the President of the Senate, be proclaimed duly elected Secretary of State; but if no person shall be elected, they shall continue to ballot until some person is elected: *Provided, however*, That

if after five ballotings, there should be no choice, the President of the Senate may adjourn such election from day to day during the session.

SEC. 3. No person shall be considered elected unless he receive a number of votes equal to a majority of all the members voting.

SEC. 4. It shall be the duty of the President of the Senate and the Speaker of the House of Representatives to certify to the Governor the person elected, who shall be commissioned accordingly.

SEC. 5. When any vacancy shall happen in said office during the recess of the General Assembly, the Governor shall appoint a person to fill such vacancy until the expiration of the next session of the General Assembly; and all elections to fill vacancies shall be governed by the provisions of this act.

SEC. 6. This act to take effect and be in force from and after its passage.

2d amendment. Amend the title of the bill so as to read, "A bill defining the mode of electing a Secretary of State."

Mr. Ewing moved to concur in the report of the committee, with the following amendment:

Insert, after the words "Secretary of State," "and State Librarian."

The ayes and noes being desired by two Senators,

Those who voted in the affirmative are,

Messrs. Alexander, Allison, Bowers, Bradbury, Buell of Warren, Coffin, Cotton, Davis, Defrees, Ewing, Farmer, Goodenow, Hamer, Henry, Hodge, Holloway, Moore, Morgan of Decatur, Morgan of Rush, Orth, Pennington, Stanford, and Todd—23.

Those who voted in the negative are,

Messrs. Akin, Berry, Buell of Dearborn, Carr, Chapman of Daviess, Chapman of Laporte, Duzan, Edmonson, Herriman, Hutton, Jackson, Jones, Lane, Leviston, Logan, Major, Miller, Parks, Read, Rippey, Rockhill, Tannehill, and Wood—23.

The Senate being equally divided,

The President gave the casting vote in the negative.

So the motion to concur with the amendment was disagreed to.

The amendment of the committee was then concurred in, and the bill, as amended, read a third time, and passed.

Ordered, That the Secretary inform the House accordingly.

Mr. Chapman of Laporte, chairman of the committee on the judiciary, submitted the following report:

MR. PRESIDENT:

The committee on the judiciary, to whom was referred bill of the

Senate No. 131, entitled, "A bill authorizing county treasurers to pay such warrants upon the State Treasury as shall be issued under appropriations made by the present General Assembly," together with the resolution of the Senate upon that subject, have had the same under consideration, and have instructed me to report the same back, with the following amendments, and recommend their adoption and the passage of the bill.

1st amendment. Strike out all after the enacting clause, and insert the following:

"That the several county treasurers in this State are authorized and required to pay any warrant upon the State Treasury which may be presented to them, out of any funds in their hands belonging to said State; and said warrants shall be the proper vouchers of said treasurers in their settlement with the Treasurer of State: *Provided*, The provisions of this act shall only extend to warrants issued for the pay of the members and officers of the present General Assembly.

"This act shall take effect and be in force from and after its publication in the Indiana State Sentinel and the Indiana State Journal."

2d amendment. Change the title of the bill so as to read as follows:

"A bill to provide for the payment of the members and officers of the present Assembly."

Ordered, That the report of the committee be concurred in, and the bill be engrossed.

Mr. Stanford, chairman of the committee on education, submitted the following report:

MR. PRESIDENT:

The committee on education, to whom was referred bill No. 4, of the House of Representatives, entitled, "An act relative to the appointment of the board of county commissioners of Grant county to act as a board of library trustees of said county, and for other purposes, with instructions to make its provisions general, have discharged that duty, by making two amendments thereto, which I am directed to report to the Senate and ask its concurrence therein.

1st amendment. Strike out all after the enacting clause and insert the following:

"That the boards of county commissioners of the several counties of this State, be, and they are hereby constituted boards of library trustees for their respective counties, and as such shall do and perform all the duties that are now imposed on county library trustees by the provisions of the third article of chapter 25 of the Revised Statutes of 1843.

SEC. 2. That the boards of county commissioners, acting as boards

of library trustees as aforesaid, may, in their discretion, dispose of, by sale, public or private, all such books, belonging to any county library, as are now or may hereafter become worthless or inappropriate for county libraries, and expend the moneys derived from such sales, or any other library funds, in the purchase of books for their respective libraries.

SEC. 3. All laws and parts of laws contravening the provisions of this act are hereby repealed.

This act to take effect and be in force from and after its passage.

2d. Strike from the title of the bill the words "Grant county," and insert, in lieu thereof, the words "the several counties of this State."

Strike out the words "said county," and insert, in lieu thereof, "their respective counties."

Ordered, That the report of the committee be concurred in, that the amendments be engrossed, and the bill read a third time.

Mr. Parks, from the committee on agriculture, submitted the following report:

MR. PRESIDENT:

The committee on agriculture, to whom was referred bill No. 106, of the Senate, prescribing a uniform mode of ascertaining by weight the quantity of the different kinds of grain that shall pass for a standard bushel in this State, have had the same under consideration, and a majority have directed me to report the bill back to the Senate, and recommend its passage:

No. 106. A bill prescribing a uniform mode of ascertaining by weight the quantity of the different kinds of grain, that shall pass for a standard bushel in this State;

Which was read a second time and ordered to be engrossed.

Mr. Moore, from the committee on corporations, submitted the following report:

MR. PRESIDENT:

The committee on corporations, to whom was referred bill of the Senate,

No. 126. Entitled, "a bill to incorporate the Crawfordsville and Wabash rail-road company;"

Report, that they have had the same under consideration, and recommend its passage, with the following amendments, to-wit:

In section 12 strike out "Attica in Fountain county," and insert "Covington in Fountain county, or at any point between the above named places."

Also, add to said section as follows: *Provided*, Said corporation before asking for the use of such State or county road, shall give

three week's notice, in some newspaper printed in the county where such application is to be made."

Also, strike out sections 17 and 24.

Also, strike out of section 23, from the commencement, to the word "specified," in the 15th line of said section, and insert the following:

Sec. 23. The State of Indiana hereby gives to said company, and authorizes them to use, occupy, and enjoy the privilege of one of the passages of all the bridges, and the use of the present turnpike grade, in getting on and off from said bridges, which she has made between the towns of Crawfordsville and Lafayette. And said State relinquishes to said company, a right of way along the route of the turnpike between said two places, in this section above named. And authorizes said company to make a rail-road on said route: *Provided*, Said company shall not lessen the width of the present grade, except on the first two miles from Crawfordsville, which may be reduced to 22 feet.

Ordered, That the report of the committee be concurred in.

Mr. Orth moved to suspend the rule of the Senate, and read the bill a third time now.

Upon which

The ayes and noes being desired by two Senators,

Those who voted in the affirmative are,

Messrs. Akin, Alexander, Allison, Bowers, Bradbury, Buell of Dearborn, Buell of Warren, Chapman of Daviess, Coffin, Cotton, Davis, Defrees, Ewing, Farmer, Goodenow, Hamer, Henry, Hodge, Holloway, Jones, Leviston, Major, Moore, Morgan of Decatur, Morgan of Rush, Orth, Parks, Read, Reyburn, Rockhill, Stanford, Tannehill, Todd, and Wood—34.

Those who voted in the negative are,

Messrs. Berry, Chapman of Laporte, Duzan, Edmonson, Herriman, Hutton, Jackson, Lane, Logan, Miller, Pennington, and Rippey—12.

So the bill was read a third time and passed.

Ordered, That the Secretary inform the House thereof, and ask their concurrence.

Mr. Edmonson, chairman of the committee on corporations, submitted the following report:

MR. PRESIDENT:

The committee on corporations, to whom was referred bill of the Senate,

No. 115. Entitled, a bill to amend an act to incorporate the city of New Albany, and to repeal all laws now in force incorporating the the town of New Albany;

Have had the same under consideration, and have directed me to report the same back, and recommend its passage.

The bill was then ordered to be engrossed.

On motion by Mr. Davis,

The rule of the Senate was suspended,

The bill considered engrossed,

Read a third time and passed.

Ordered, That the Secretary inform the House thereof, and ask their concurrence.

Mr. Edmonson, chairman of the committee on corporations, submitted the following report:

MR. PRESIDENT:

The committee on corporations, to whom was referred bill of the Senate,

No. 103. A bill to incorporate the "Mechanics' Institute at Lafayette," in the county of Tippecanoe;

Have had the same under consideration, and have directed me to report the same back, and recommend its passage:

The bill was then ordered to be engrossed.

On motion by Mr. Orth,

The rule of the Senate was suspended,

The bill considered as engrossed,

And read a third time and passed.

Ordered, That the Secretary inform the House of the passage thereof, and ask their concurrence.

Mr. Edmonson, chairman of the committee on corporations, submitted the following report:

MR. PRESIDENT:

The committee on corporations, to whom was referred bill of the Senate,

No. 118. Entitled, a bill to incorporate the Elkhart brass band;

Have had the same under consideration, and have directed me to report the same back, and recommend its passage:

Ordered, That the bill be engrossed.

Mr. Farmer, from a select committee, submitted the following report:

MR. PRESIDENT:

The select committee, to whom was referred a bill of the House of Representatives,

No. 11. A bill in relation to patents to purchasers of lands in the reserved townships in Gibson and Monroe, and of the saline lands;

Have, according to order, had the same under consideration, and have directed me to report the same back to the Senate, and respectfully recommend its passage.

Ordered, That said bill pass to a third reading.

Mr. Hutton, from a select committee, submitted the following report:

MR. PRESIDENT:

The select committee to which was referred bill of the Senate,

No. 68. An act to organize a new county to be known by the name of Gallatin;

With the petitions and remonstrances on that subject, have had the same under consideration, and have directed me to report the bill back for further consideration of the Senate.

Mr. Hutton proposed to fill the blanks in the third section, by inserting in the first blank the word "first;" and in the second blank the following words: "Mondays succeeding the courts in the county of Clinton. The said courts at each term thereof, in the county of Gallatin, shall sit six days, if the business require it."

Which was agreed to.

The question being on the engrossment of the bill,

Messrs. Orth and Chapman of Laporte, asked to be excused from voting,

Which was agreed to.

And the ayes and noes being desired by two Senators,

Upon the engrossment of the bill,

Those who voted in the affirmative are,

Messrs. Akin, Berry, Buell of Dearborn, Carr, Chapman of Daviess, Defrees, Duzan, Edmonson, Herriman, Hutton, Jackson, Kennedy, Leviston, Logan, Miller, Read, Rippey, Rockhill, Tannehill, and Wood—20.

Those who voted in the negative are,

Messrs. Alexander, Allison, Bowers, Bradbury, Buell of Warren, Coffin, Cotton, Davis, Ewing, Farmer, Goodenow, Hamer, Henry,

Hodge, Holloway, Major, Moore, Morgan of Decatur, Morgan of Rush, Parks, Pennington, Reyburn, Stanford, and Todd—24.

So the Senate refused to order the bill to be engrossed.

Mr. Duzan, from the joint committee on enrolled bills, submitted the following report:

MR. PRESIDENT:

The joint committee on enrolled bills did, on the 27th instant, present to His Excellency the Governor, for his approbation and signature, the following enrolled bills of the Senate, to-wit:

No. 59. An act for the relief of the heirs of Peter Reibold, deceased;

No. 91. An act to amend an act entitled, "An act to locate certain state roads therein named, and for other purposes," approved January 15, 1844;

No. 83. An act to locate a State road in the county of Switzerland.

Message from His Excellency the Governor, by T. Brown Kinder, Esq., his private secretary:

MR. PRESIDENT:

I am authorized by His Excellency, the Governor, to inform the Senate that he has this day approved and signed the following acts:

No. 83. An act to locate a State road in the county of Switzerland;

No. 59. An act for the relief of the heirs of Peter Reibold, deceased;

No. 91. An act to amend an act entitled, "An act to locate certain State roads therein named, and for other purposes," approved January 15, 1844;

All of which originated in the Senate.

Mr. Duzan, from a select committee, submitted the following report:

MR. PRESIDENT:

The select committee to whom was referred bill of the Senate No. 36, to extend the time of holding the circuit courts in the county of Boone," have had the same under consideration, and directed me to report it back to the Senate and recommend its passage.

Ordered, That the said bill be engrossed.

Mr. Hodge, from a select committee, submitted the following report:

MR. PRESIDENT:

The select committee to whom was referred the petition of John Walker and others, of Grant county, have had the same under consideration, and have instructed me to report the following bill and recommend its passage:

No. 158. A bill for the relief of John Walker;
Which was read and ordered to a second reading.

Mr. Chapman of Daviess, from a select committee, submitted the following report:

MR. PRESIDENT:

The select committee to whom was referred the petition of James Hawkins and others, have had the same under consideration, and have directed me to report the accompanying bill and recommend its passage:

No. 159. A bill to locate a State road in the counties of Martin and Orange;
Which was read and ordered to a second reading.

On motion by Mr. Parks,
Resolved, That a committee composed of Senators on the west fork of White river be appointed to enquire into the expediency of laying off said river into districts, and the propriety of having the same worked upon one day or more, each year, by individuals living near the same; with leave to report by bill or otherwise.
Ordered, That said committee consist of Messrs. Parks, Todd, Allison, Farmer, and Chapman of Daviess.

On motion by Mr. Henry,
Resolved, That the Superintendent on the Wabash and Erie canal be instructed to report to the Senate, at an early day, the amount of labor done on division No. 1, west of Lafayette, by *State force*, and the amount of money the same has cost.
Also, the amount the timber has cost, per cubic foot, for the foundation of the lock and aqueduct, at the crossing of the Wea, and what was the original contract price. Also, what the timber has cost, per cubic foot, for the guard lock on section four in said division, delivered on the canal bank; and what the superintending of said work has cost the State; and how many have been engaged in that employ, and their allowance per day.

On motion by Mr. Miller,
Resolved, That the committee on elections be directed to enquire into the expediency of so altering the present law now in force, for electing the county surveyors of this State, so that they

be elected by the qualified voters of their respective counties; and report accordingly.

On motion by Mr. Henry,
Resolved, That the committee on education be directed to enquire into the sufficiency of the security of all bonds given or to be given by officers or agents who have the management of the common school funds; and if, in their opinion, additional security is needed, to report by bill or otherwise.

Mr. Miller introduced,
No. 160. A bill to authorize the re-valuation of school lands in Crawford county;
Which was read and ordered to a second reading.

Mr. Reyburn introduced,
No. 161. A bill to provide for the election of a commissioner on the Wabash and Erie canal east of the Tippecanoe river;
Which was read and ordered to a second reading.

Mr. Tannehill introduced,
No. 162. A bill for the limitation of suits on bonds and promissory notes;
Which was read and ordered to a second reading.

Mr. Chapman of Laporte introduced,
No. 163. A bill concerning certain conveyances therein named;
Which was read and ordered to a second reading.

Mr. Rippey introduced,
No. 164. A bill in relation to the county auditor and treasurer of Elkhart county;
Which was read and ordered to a second reading.

Mr. Lane introduced,
No. 165. A bill for the relief of Benoni Stinson and George W. Miller, trustees of school district No. 4, in Vanderburgh county;
Which was read, and,
On motion by Mr. Lane,
The rule of the Senate was suspended, the bill read a second time, and referred to the committee on education, together with a petition on that subject.

Mr. Buell of Dearborn introduced,
No. 166. A bill to incorporote the Lawrenceburgh seminary of learning, in the county of Dearborn;
Which was read, and,
On motion by Mr. Buell of Dearborn,
The rule of the Senate was suspended, the bill read a second time, and ordered to be engrossed.

Mr. Defrees introduced,
No. 167. A bill in relation to the expenses of removal on change of venue in civil cases;
Which was read, and,
On motion by Mr. Defrees,

The rule of the Senate was suspended, the bill read a second time, and referred to the committee on the judiciary.

Mr. Leviston introduced.

No. 168. A bill to amend "An act to incorporate the College Corner and Liberty Turnpike Company and the Liberty and Abington Turnpike Company," approved January 15, 1844;

Which was read and ordered to a second reading.

Mr. Defrees moved to take from the files the following message from the House by Mr. Farquhar, their Clerk:

MR. PRESIDENT:

The House of Representatives has adopted the following resolution:

Resolved, That the House will, the Senate concurring therein, meet in the Hall of the House of Representatives, on Monday next, at ten o'clock, A. M., and proceed to the election of a United States Senator, to serve as such for six years from and after the fourth day of March next;

In which the concurrence of the Senate is respectfully requested.

Which motion was not agreed to.

Mr. Chapman of Laporte introduced,

No. 169. A bill to incorporate the Laporte County Mutual Insurance Co.;

Which was read, and,

On motion by Mr. Chapman of Laporte,

The rule of the Senate was suspended, the bill read a second time, and referred to the committee on corporations.

The Senate then proceeded to the orders of the day.

ON A THIRD READING.

No. 143. A bill for the relief of Millens Loomer;

The ayes and noes being desired by two Senators,

Upon the passage of the bill,

Those who voted in the affirmative are,

Messrs. Akin, Berry, Buell of Dearborn, Chapman of Daviess, Chapman of Laporte, Coffin, Cotton, Edmonson, Herriman, Holloway, Hutton, Jackson, Kennedy, Leviston, Major, Miller, Moore, Parks, Pennington, Read, Rippey, Ritchey, Rockhill, Tannehill, and Wood—25.

Those who voted in the negative are,

Messrs. Alexander, Allison, Bradbury, Buell of Warren, Davis, Duzan, Ewing, Farmer, Hamer, Henry, Hodge, Logan, Morgan of Decatur, Morgan of Rush, Orth, Reyburn, Stanford, and Todd—18.

So the bill passed.

Ordered, That the Secretary inform the House of the passage thereof, and ask their concurrence.

No. 93. An act providing for the distribution of the saline and bank tax funds, among the several counties in this State.

Mr. Stanford moved to amend the bill, by adding to the 5th section as follows:

"And the several counties shall be held liable to the inhabitants of the respective Congressional townships for the preservation of any portion of such funds as may come into their respective treasuries by virtue of this act. And for the payment of the annual interest thereon at the rate established by law.

Which was agreed to;

And the bill was read a third time and passed.

Ordered, That the Secretary inform the House of the passage thereof, and ask their concurrence.

House bill,

No. 148. A bill to establish a State road on the county line between the county of St. Joseph and the county of Elkhart;

House bill,

No. 143. A bill for the relief of the president and trustees of the town of Greencastle, and for other purposes;

House bill,

No. 153. A bill fixing the time of holding courts in the Clark probate court, and to regulate the practice therein;

House bill,

No. 152. A bill to incorporate the Newcastle band of musicians;

Were severally read a third time and passed.

Ordered, That the Secretary inform the House thereof.

No. 153. A bill to authorize the purchase of real estate by George W. Lane;

No. 77. A bill to amend an act providing for the loaning of the school funds of Vigo county, approved Jan. 13, 1844;

No. 116. A bill to locate a State road in Randolph and Jay counties;

Were severally read a third time and passed.

Ordered, That the Secretary inform the House thereof, and ask their concurrence.

BILLS ON A SECOND READING.

No. 119. A bill to authorize the re-occupation (by the original proprietors,) of lands set off to the use of the State under the various acts in relation to internal improvements;

Was read a second time, and,

On motion by Mr. Todd,

Was referred to the committee on canals and internal improvements.

No. 121. A bill to further extend to the State Bank of Indiana, the privilege of issuing notes of a less denomination than five dollars;

Was read a second time.

Mr. Buell of Dearborn, moved to amend the bill, by adding,

Be it further enacted, That if this act is accepted by the bank, said bank shall be compelled to pay to the State for common school purposes, an annual bonus of one per cent. on the amount of notes issued of a less denomination than five dollars.

Which was agreed to.

Mr. Ritchey moved to amend the bill, by striking out "eight hundred thousand," and inserting in lieu thereof "five hundred thousand."

Which was not agreed to.

Mr. Defrees moved to re-commit the bill to the committee on the State Bank, with instructions to amend the bill so as to provide "that as a bonus for the privilege granted in said act, the bank be required to rely alone for the redemption of the bank scrip upon the sinking fund, and that said bank be required to keep said scrip out of circulation, and strike out the bonus in the act.

Mr. Ewing called for a division of the question,

And the question being on the motion to refer, it was decided in the affirmative.

The question was then taken upon the proposed instructions of Mr. Defrees,

And was disagreed to.

No. 123. A bill reviving a certain act therein named;

Was read a second time, and ordered to be engrossed.

On motion by Mr. Berry,

The Senate adjourned.

SATURDAY MORNING, December 28, 1844.

The Senate assembled.

The journal of the preceding day was read.

Mr. Lane presented the petition of Robert T. Fry, praying for the passage of an act to provide for paying him certain money which he claims to be due from the State,

Which was referred to the committee on claims.

Mr. Rockhill presented the petitions of sundry citizens of the county of Allen, praying the passage of a law confining voters to their own townships,

Which were referred to the committee on judiciary.

Mr. Alexander presented the petition of R. Brackenridge, jr. and others, citizens of the county of Hendricks, on the subject of a deed from the former agent of the surplus revenue of said county;

Which was referred to a select committee.

Ordered, That the committee consist of Messrs. Alexander, Defrees, and Parks.

Mr. Herriman presented the remonstrance of C. B. Holmes, and others, citizens of the county of Lagrange, against granting any exclusive privileges to the "Lagrange Phalanx,"

Which was ordered to lie upon the table.

Mr. Chapman of Laporte, chairman of the committee on the judiciary, submitted the following report:

Mr. President:

The committee on the judiciary to whom was referred bill of the Senate,

No. 135. A bill for the benefit of bail, for the stay of execution;

Have had the same under consideration, and have directed me to report the same back with one amendment, after the adoption of which, they recommend its passage:

Amend, by striking out the first section.

Ordered, That the report of the committee be concurred in,

And the bill be engrossed.

Mr. Akin, from the committee on the judiciary, submitted the following report:

Mr. President:

The committee on the judiciary, to whom was referred a resolution of the Senate, instructing the committee to inquire into the expediency of enacting a law making the several counties in this State liable for all property that may be injured or destroyed therein by riots and mobs, have had the same under consideration, and are of the unanimous opinion that it is inexpedient to legislate on that subject, and ask to be discharged from the further consideration of the same.

On motion by Mr. Orth,

Ordered, That the report of the committee lie upon the table.

Mr. Chapman of Laporte, chairman of the committee on the judiciary, submitted the following report:

MR. PRESIDENT

The committee on the judiciary, to whom was referred bill of the Senate,

No. 89. A bill relating to Indian contracts;

Have again had the same under consideration, and have directed me to report the same back, and recommend its indefinite postponement.

The ayes and noes being desired by two Senators,

On the question of concurrence,

Those who voted in the affirmative are,

Messrs. Akin, Allison, Berry, Buell of Dearborn, Buell of Warren, Carr, Chapman of Daviess, Chapman of Laporte, Coffin, Davis, Defrees, Dole, Duzan, Edmonson, Henry, Hutton, Jones, Lane, Leviston, Logan, Miller, Morgan of Decatur, Morgan of Rush, Parks, Read, Ritchey, Stanford, Tannehill, and Wood—29.

Those who voted in the negative are,

Messrs. Alexander, Bowers, Bradbury, Cotton, Ewing, Farmer, Goodenow, Hamer, Herriman, Hodge, Holloway, Jackson, Major, Moore, Orth, Pennington, Reyburn, Rippey, Rockhill and Todd—20.

So the report of the committee was concurred in,

And the further consideration of the bill indefinitely postponed.

Mr. Buell of Warren, moved to re-consider the vote just taken, concurring in the report of the judiciary committee on bill No. 89.

Mr. Buell of Warren moved a call of the Senate,

Which was disagreed to.

The ayes and noes being desired by two Senators,

On the re-consideration,

Those who voted in the affirmative are,

Messrs. Bradbury, Buell of Warren, Coffin, Cotton, Dole, Ewing, Farmer, Hamer, Henry, Herriman, Hodge, Holloway, Pennington, Reyburn, Rippey, and Rockhill—16.

Those who voted in the negative are,

Messrs. Akin, Allison, Berry, Bowers, Buell of Dearborn, Carr, Chapman of Daviess, Chapman of Laporte, Duzan, Edmonson, Goodenow, Hutton, Jackson, Jones, Kennedy, Lane, Leviston, Logan, Major, Miller, Morgan of Decatur, Morgan of Rush, Parks, Read, Stanford, Tannehill, and Wood—26.

So the Senate refused to re-consider.

Mr. Edmonson, from the committee on the judiciary, submitted the following report:

MR. PRESIDENT:

The judiciary committee, to whom was referred bill of the Senate No. 130, a bill to authorize the draining of wet prairies in the county of Allen, have had the same under consideration, and have directed me to report that, in the opinion of your committee, they have not the constitutional right to enact such a law, and therefore recommend its indefinite postponement.

Ordered, That the report of the committee be concurred in, and the further consideration of the bill be indefinitely postponed.

Mr. Carr, from the committee on the judiciary, submitted the following report:

MR. PRESIDENT:

The committee on the judiciary, to whom was referred bill of the Senate No. 116, entitled, "A bill repealing the act changing the time for the payment of taxes," approved Jan. 15, 1844, have, according to order, had the same under consideration, and a majority of the committee have instructed me to report that, notwithstanding they are of opinion that the change proposed by this bill would subserve the convenience of the State much better than the law now in force on that subject, they cannot resist the conclusion that the passage of this bill might operate as a release of the sureties of the several collectors of the revenue from any liability on their official bonds. Entertaining these views, your committee recommend the indefinite postponement of the bill.

Ordered, That the report of the committee be concurred in, and the further consideration of the bill be indefinitely postponed.

Mr. Carr, from the committee on the judiciary, submitted the following report;

MR. PRESIDENT:

The judiciary committee, to whom was referred a resolution of the Senate, directing an enquiry into the expediency of passing a law to release the securities of defaulting officers in certain cases, have, according to order, had the same under consideration, and have directed me to report that, in the opinion of the committee, legislation on that subject would be inexpedient.

Ordered, That the report of the committee be concurred in.

Mr. Todd, from the committee on the judiciary, submitted the following report:

MR. PRESIDENT:

The committee on the judiciary, to whom was referred a resolution of the Senate, directing an enquiry into the expediency of amending the law in relation to affrays and assault and battery, have had the subject under consideration, and have directed me to report the following bill and recommend its passage:

No. 170. A bill to amend the law in relation to affrays and assault and battery;

Which was read, and,

On motion by Mr. Chapman of Laporte,

The rule of the Senate was suspended, the bill read a second time, and recommitted to the committee on the judiciary.

Mr. Duzan, from the committee on the judiciary, submitted the following report:

MR. PRESIDENT:

The committee on the judiciary, to whom was referred bill of the Senate No. 60, in relation to county auditors, have had the same under consideration, and have directed me to report it back to the Senate and recommend its indefinite postponement.

Ordered, That the report of the committee be concurred in, and the further consideration of the subject be indefinitely postponed.

Mr. Stanford, chairman of the committee on education, submitted the following report:

MR. PRESIDENT:

The committee on education, to whom was referred a resolution of the Senate, directing an enquiry into the expediency of requiring by law the trustees of all incorporated universities, colleges, or seminaries, to report to the Superintendent of common schools the number of scholars, and branches taught, &c., have had the subject under consideration, and have directed me to report that, in their opinion, it is inexpedient to legislate on the subject at this time.

Ordered, That the report of the committee be concurred in.

Mr. Parks, from the committee on education, submitted the following report:

MR. PRESIDENT:

The committee on education, to whom was referred bill of the Senate No. 127, entitled, "A bill to provide for the collection of delinquent taxes at the seat of Government, and liquidating the balance due from the State to the common school fund, distributing the same, and for other purposes," have, according to order, had the same under consideration, and, in the opinion of the committee, further legislation on this subject, at this time, would be inexpedient; therefore, they have directed me to report the bill back to the Senate and recommend its indefinite postponement.

Ordered, That the report of the committee be concurred in, and the further consideration of the subject be indefinitely postponed.

Mr. Goodenow, from the committee on education, submitted the following report:

MR. PRESIDENT:

The committee on education, to whom was referred a resolution, directing an enquiry into the expediency of applying the bank tax fund to the education of the indigent blind of this State at the Kentucky asylum, have, according to order, had the same under consideration, and have directed me to report, that a bill has already been reported from their committee, applying said fund to the purposes of common school education, in accordance with the provisions of the 15th section of the bank charter, and that further legislation on the subject is deemed inexpedient.

Ordered, That the report of the committee be concurred in.

Mr. Todd, from the committee on education, submitted the following report:

MR. PRESIDENT:

The committee on education, to whom was referred a resolution of the Senate, directing them to enquire into the expediency of changing the Revised Statutes, chapter 15, sections 77 and 87, so as to change the times when the county auditors are required by law to make *division* of the interest arising from the surplus revenue, and the time of township treasurers making their divisions among the several districts in their townships, have had the subject under consideration, and have directed me to report that, in their opinion, legislation on that subject is inexpedient.

Ordered, That the report of the committee be concurred in.

Mr. Reyburn, from the committee on canals and internal improvements, submitted the following report:

MR. PRESIDENT:

The committee on canals and internal improvements, to whom was referred a resolution of the Senate, on the subject of encouraging the killing of muskrats on the Wabash and Erie canal, have had the same under consideration, and have directed me to report it back, with the accompanying bill, and recommend its passage:

No. 171. A bill to encourage the killing of muskrats on the Wabash and Erie canal;

Which was read, and,

On motion by Mr. Chapman of Laporte,

The rule of the Senate was suspended and the bill read a second time.

Mr. Chapman of Laporte moved to amend the bill by striking out the word "scalps," where it occurs, and insert, in lieu thereof, the word "skins;"

Which was not agreed to.

The bill was then ordered to be engrossed.

Mr. Buell of Dearborn, chairman of the committee on the State Bank, submitted the following report:

MR. PRESIDENT:

The committee on the State bank, to whom was referred bill of the Senate,

No. 121. A bill to further extend to the State Bank of Indiana the privilege of issuing notes of a less denomination than five dollars;

Have, according to order, had the same under consideration and have directed me to report the same back to the Senate without amendment, and recommend its passage.

Ordered, That the said bill be engrossed

Mr. Buell of Dearborn, chairman of the committee on the State bank, submitted the following report:

MR. PRESIDENT:

The committee on the State bank, have had under consideration that part of the annual report of the commissioners of the sinking fund relating to their duties, and after carefully examining the subject, have directed me to report the following bill, and recommend its passage:

No. 172. A bill to amend the several acts for loaning and collecting of the sinking fund, and for other purposes;

Which was read, and ordered to a second reading.

Mr. Edmonson submitted the following resolution:

Resolved, That when the Senate adjourns, it will adjourn until Monday morning next at nine o'clock.

Which was adopted.

On motion by Mr. Cotton,

Resolved, That a select committee be instructed to inquire into the expediency of redeeming our State bonds, at their par value, (exclusive of interest) by giving to the holders of said bonds in lieu thereof, State scrip of the denomination of five dollars, bearing an interest of one quarter of one per cent. per annum, and payable —— years after date, which shall be receivable in payment of State taxes, with the exception of —— per cent. thereon, to be reserved and paid in cash, to defray the expenses of the State; and that they report by bill or otherwise.

On motion by Mr. Buell of Warren,

Resolved, That the general superintendent of the Wabash and Erie canal be directed to furnish the Senate with information, showing the cause of the increased cost in constructing the canal between Lafayette and Coal creek, over and above the original estimate; and the probable cost, according to the first and second letting, as estimated by his predecessor, Mr. Blair, in his last report; to be done in as detailed a manner as his present means will afford.

Also, the amount of canal scrip issued for its construction, west of Lafayette—the amount in circulation not redeemed, and the amount redeemed.

Also, the amount expended on the first and second letting.

On motion by Mr. Morgan of Decatur,

Resolved, That the committee on finance be directed to inquire into the expediency of providing by law, that non residents may pay taxes to Auditor of State, or some other suitable officer of State, with leave to report by bill or otherwise.

On motion by Mr. Tannehill,

Resolved, That the committee on the judiciary be directed to inquire into the expediency of repealing the 10th article of chapter 47, of the Revised Statutes of 1843, which authorizes the removal of causes from justices of the peace to the circuit court by writ of *certiorari*, and defines the mode of applying for and prosecuting said writ, with leave to report by bill or otherwise.

Mr. Orth introduced,

No. 173. A bill to amend the second article of the 42d chapter of the Revised Statutes of 1843;

Which was read, and,

On motion by Mr. Orth,

The rule of the Senate was suspended,

The bill read a second time, and referred to the committee on the judiciary.

Mr. Miller introduced,

No. 174. A bill to amend an act, entitled, an act to amend the

15th chapter of the Revised Statutes of Indiana, and repeal the 83d and 98th sections of the same, approved Jan. 15, 1844;

Which was read.

On motion by Mr. Todd,

The rule of the Senate was suspended,

The bill read a second time and referred to the committee on education.

Mr. Reyburn moved to take from the table,

No. 107. A bill to extend an act, entitled, an act to revive and amend an act entitled, an act for the relief of settlers on the Wabash and Erie canal lands, approved February 24, 1840,—approved January 15, 1844;

Which was agreed to.

The bill was then read a third time and passed.

Ordered, That the Secretary inform the House of Representatives thereof, and ask their concurrence.

Mr. Chapman of Laporte, introduced,

No. 175. A bill in relation to the county seminary fund, of Laporte county;

Which was read and ordered to a second reading.

Mr. Read moved to re-consider the vote of the Senate, passing,

No. 107. A bill fixing the time of holding courts in the Clark probate court, and to regulate the practice therein;

Which was agreed to.

On motion by Mr. Read,

Ordered, That the said bill do lie upon the table.

Mr. Orth moved to take from the table, bill of last session,

No. 112. Entitled, an act to incorporate the Lafayette and White river turnpike company, which was returned by the Governor with his objections, at the present session;

Which was not agreed to.

The Senate then proceeded to the orders of the day.

BILLS ON A THIRD READING.

No. 131. A bill to provide for the payment of the members and officers of the present General Assembly;

No. 118. A bill to incorporate the Elkhart brass band;

No. 106. A bill prescribing a uniform mode of ascertaining by weight the quantity of the different kinds of grain, that shall pass for a standard bushel in this State;

No. 36. A bill extending the time of holding circuit courts in the county of Boone;

No. 166. A bill to incorporate the Lawrenceburgh seminary of learning in Dearborn county;

Were severally read a third time and passed.

Ordered, That the Secretary inform the House of Representatives thereof, and ask their concurrence.

House bill,

No. 11. Entitled, "a bill in relation to patents to purchasers of lands in the reserved townships in Gibson and Monroe, and of the saline lands;"

House Bill,

No. 4. A bill relative to the appointment of the board of county commissioners of the county of Grant to act as the board of library trustees of said county, and for other purposes;

Were severally read a third time and passed.

Ordered, That the Secretary inform the House accordingly.

No. 123. A bill reviving a certain act therein named;

Was read a third time and passed.

Mr. Chapman of Laporte, moved to amend the title of said bill by striking out all after the word "bill," and inserting as follows: "to revive in part the first section of the 8th chapter of an act, entitled, an act to incorporate congressional townships, and providing for public schools therein, approved Feb. 17, 1838;"

Which was agreed to.

BILLS ON A SECOND READING.

No. 124. A bill for the relief of James S. Armstrong;

Was read a second time and ordered to be engrossed.

No. 125. A bill to amend the 102d section of the 13th chapter of the Revised Statutes;

Was read a second time, and,

On motion by Mr. Buell of Dearborn,

Was referred to the committee on education.

No. 128. A bill to amend an act to incorporate the university of Notre Dame du Lac, at South Bend, in St. Joseph county, Indiana;

Was read a second time, and,

On motion by Mr. Buell of Dearborn,

Was referred to the committee on corporations.

No. 132. A bill to require the Treasurer of State to annex a list of defaulters to his annual report;

Was read a second time, and,

On motion by Mr. Ewing,

Was amended by adding, after the word "Treasurer," "and Auditor;"

And ordered to be engrossed.

No. 133. A joint resolution relative to delinquent taxes prior to 1841;

Mr. Herriman moved to indefinitely postpone the further consideration of the said joint resolution.

The ayes and noes being desired by two Senators,

Those who voted in the affirmative are,

Messrs. Akin, Berry, Bowers, Bradbury, Buell of Dearborn, Carr, Chapman of Daviess, Chapman of Laporte, Edmonson, Goodenow, Herriman, Hutton, Jones, Lane, Leviston, Logan, Morgan of Decatur, Morgan of Rush, Parks, Read, Rippey, Stanford, Tannehill, and Wood—24.

Those who voted in the negative are,

Messrs. Alexander, Allison, Buell of Warren, Davis, Duzan, Ewing, Farmer, Hamer, Henry, Holloway, Jackson, Kennedy, Miller, Moore, Orth, Pennington, Reyburn, Rockhill, and Todd—19.

So the further consideration of the joint resolution was indefinitely postponed.

Mr. Todd moved to reconsider the vote of the Senate on the passage of bill No. 4, of the House, entitled, "An act relative to the appointment of the board of commissioners of Grant county to act as the board of library trustees of said county, and for other purposes;"

Which was agreed to.

Mr. Todd then moved to amend the amendment of the committee to said bill so as to exempt the county of Marion from its operations;

Which was unanimously agreed to.

And the bill passed as amended.

Ordered, That the Secretary inform the House of Representatives thereof, and ask their concurrence in the amendment of the Senate.

On motion by Mr. Wood,

The Senate adjourned.

MONDAY MORNING, December 30, 1844.

The Senate assembled.

The Journal of the preceding day was read.

Mr. Logan presented the petition of John Nixon and others, citizens of the county of Washington, praying for the repeal of the law changing the mode of doing county business in said county;

Which was referred to a select committee.

Ordered, That said committee consist of Messrs. Logan, Jackson, and Duzan.

Mr. Wood presented the petition of Michael Sills, praying for the extension of the act abolishing the office of county auditor in certain counties to the county of Blackford;

Which was referred to a select committee.

Ordered, That the committee consist of Messrs. Wood, Tannehill, and Leviston.

Mr. Coffin presented the petitions of William Gordon and others, citizens of the county of Shelby, on the subject of the erection of a toll gate on the Michigan road; which,

On motion by Mr. Morgan of Decatur,

Were referred to the committee on corporations.

Mr. Todd presented the petition of E. Chamberlain, of Marion county, on the subject of a compilation of the laws which were in force prior to the year 1843, in the State of Indiana, to be published by him;

Which was referred to the committee on the judiciary.

Mr. Herriman asked and obtained leave to withdraw from the files the remonstrance of sundry citizens of Lagrange county, against the grant of exclusive privileges to the Lagrange Phalanx.

Mr. Chapman of Laporte, chairman of the committee on the judiciary, submitted the following report:

Mr. President:

The committee on the judiciary, to whom was referred bill of the House of Representatives No. 66, a bill for the relief of Abigail C. Hovey and Lorenzo D. Hovey, of Carroll county, have had the same under consideration, and have directed me to report the same back to the Senate for such action as may be deemed advisable.

Mr. Davis moved to lay the report and bill upon the table;

Which was agreed to.

Mr. Stanford, chairman of the committee on education, submitted the following report:

Mr. President:

The committee on education, to whom was referred a resolution of the Senate, directing the committee to enquire whether there is any law in force authorizing county auditors to renew notes for the payment of the surplus revenue funds hereafter given, or not, have directed me to report, that they have not been able to find any such law, and that further legislation on the subject would be inexpedient.

Ordered, That the report of the committee be concurred in.

Mr. Stanford, chairman of the committee on education, submitted the following report:

MR. PRESIDENT:

The committee on education, to whom was referred a bill for the relief of Catharine Owens, administratrix of Alexander Owens, deceased, find that the bill embraces some legal questions, which this committee feel unprepared to settle. They have therefore directed me to report the bill back to the Senate, and recommend that it be referred to the committee on the judiciary.

Ordered, That the report of the committee be concurred in, and the subject be referred to the committee on the judiciary.

Mr. Parks, from the committee on education, submitted the following report:

MR. PRESIDENT:

The committee on education, to whom was referred the petition of G. H. Johnston and others, of Monroe county, asking relief for William Chandler and others, owners of seminary lands in Monroe county, have, according to order, had the same under consideration, and a majority have instructed me to report the same back to the Senate and recommend that, in their opinion, it would be inexpedient to legislate on this subject at the present time.

Ordered, That the report of the committee be not concurred in.

On motion by Mr. Farmer,

The petition was then referred to a select committee.

Ordered, That the committee consist of Messrs. Farmer, Pennington, and Ewing.

Mr. Stanford, chairman of the committee on education, submitted the following report:

MR. PRESIDENT:

The committee on education, to whom was referred a resolution of the Senate, in relation to the examiners of common school teachers, have carefully examined the same, and directed me to report the accompanying bill:

No. 176. A bill to authorize the school trustees of congressional townships to act as examiners of common school teachers;

Which was read and ordered to a second reading.

Mr. Stanford, chairman of the committee on education, submitted the following report:

MR. PRESIDENT:

The committee on education, to whom was referred bill No. 32,

of the Senate, for the relief of Isaiah W. Cron and Daniel McCaughan, have had the same under consideration, and have directed me to report the bill back and recommend its passage:

No. 32. A bill for the relief of Isaiah W. Cron and Daniel McCaughan;

Which was read and ordered to be engrossed.

Mr. Henry, from the committee on education, submitted the following report:

MR. PRESIDENT:

The committee on education, to whom was referred a resolution of the Senate, enquiring into the propriety of adopting common school houses as county seminaries (in such counties as have no seminaries), and that the seminary fund in such counties be applied to common schools, have had the same under consideration, and directed me to report it inexpedient to legislate on that subject at this time.

Ordered, That the report of the committee be concurred in.

Mr. Goodenow, from the committee on education, submitted the following report:

MR. PRESIDENT:

The committee on education, to whom was referred the petition of sundry citizens of township nine north, of range one west, in Monroe county, asking relief for John Dearman, a debtor to the school fund in said township, have had the same under consideration, and have directed me to report that, in the opinion of the committee, it is inexpedient to legislate on the subject.

Ordered, That the report of the committee be concurred in.

Mr. Holloway, from the committee on education, submitted the following report:

MR. PRESIDENT:

The committee on education, to which was referred a bill of the Senate, No. 137, entitled, "A bill for the relief of Henry Pottenger," have had the same under consideration, and have directed me to report it back to the Senate and recommend its passage.

Ordered, That the said bill be engrossed.

Mr. Henry, from the committee on education, submitted the following report:

MR. PRESIDENT:

The committee on education, to whom was referred a resolution of the Senate, instructing said committee to enquire into the expediency and constitutionality of providing by law that each regularly organized district school in the several counties of this State be declared branches of their respective county seminaries, and be entitled to equal distribution of the seminary fund with the principal institution, have had the same under consideration, and have directed me to report that, in the opinion of said committee, it is inexpedient to legislate on that subject at this time.

Ordered, That the report of the committee be concurred in.

Mr. Henry, from the committee on education, submitted the following report:

MR. PRESIDENT:

The committee on education, to whom was referred the petition of sundry citizens of Johnson county, Indiana, asking to repeal so much of the late school law as authorizes the appointment of superintendent of common schools, and if it should not be repealed, to exempt said county from the provisions of the act, have had the same under consideration, and directed me to report that it is inexpedient to legislate on that subject.

Ordered, That the report of the committee be concurred in.

Mr. Herriman, from the committee on roads, submitted the following report:

MR. PRESIDENT:

The committee on roads, to whom was referred a petition of sundry citizens of Wayne county, asking an amendment to the fifty-fifth section of the first article of an act concerning roads and highways, have had the same under consideration, and directed me to report that it is inexpedient to legislate on that subject at this time.

Ordered, That the report of the committee be concurred in.

Mr. Herriman, from the committee on roads, submitted the following report:

MR. PRESIDENT:

The committee on roads, to whom was referred two resolutions in relation to the time of making out road tax lists for supervisors, have carefully examined the subject, and find that it is impossible for county auditors to comply with the laws now in force on that subject. The committee are of opinion that the law is wretchedly defective, and for remedy thereof, have directed me to report the accompanying bill and recommend its speedy passage:

No. 177. A bill more effectually to enable supervisors to open and keep in repair public highways;

Which was read and ordered to a second reading.

Mr. Miller, from the committee on claims, submitted the following report:

MR. PRESIDENT:

The committee on claims, to whom was referred a resolution of the Senate, together with an accompanying document, on the subject of the justice and right of Felix L. Raymond to ten dollars and seventy-five cents, for the hire of a wagon to take a convict to the State Prison at Jeffersonville, have had the same under consideration, and have directed me to report that it is inexpedient to legislate upon the subject.

Ordered, That the report of the committee be concurred in.

On motion by Mr. Edmonson,

Resolved, That the Secretaries of the Senate be authorized to employ such clerical assistance as they may require during the remainder of the session.

On motion by Mr. Buell of Warren,

Resolved, That the committee on canals and internal improvements be directed to enquire what amendment, if any, is necessary to the present law on that subject, the better to secure the payment of water rents, and to prevent the use of water privileges without warrant of law; and report by bill or otherwise.

Mr. Chapman of Laporte moved to take up the resolution of the Senate on the subject of the election of a United States Senator, which had heretofore been postponed for consideration on this day;

Which motion was agreed to.

Mr. Chapman of Laporte moved to postpone the further consideration of the resolution until Monday next.

Mr. Hutton moved to indefinitely postpone the further consideration of the resolution;

But afterwards withdrew his motion.

The question then recurred upon the motion to postpone until Monday next; and,

The ayes and noes being desired by two Senators,

Those who voted in the affirmative are,

Messrs. Akin, Berry, Buell of Dearborn, Carr, Chapman of Daviess, Chapman of Laporte, Duzan, Edmonson, Herriman, Hutton, Jackson,

Jones, Kennedy, Lane, Leviston, Logan, Major, Miller, Parks, Read, Rippey, Ritchey, Rockhill, Tannehill, and Wood—25.

Those who voted in the negative are,

Messrs. Alexander, Allison, Bowers, Bradbury, Buell of Warren, Coffin, Cotton, Davis, Defrees, Dole, Ewing, Farmer, Goodenow, Hamer, Henry, Hodge, Holloway, Moore, Morgan of Decatur, Morgan of Rush, Orth, Pennington, Reyburn, Stanford, and Todd —25.

The Senate being equally divided,

The President gave the casting vote in the affirmative.

So the further consideration of the subject was postponed until Monday next.

Mr. Chapman of Laporte moved to take up the message of the House containing the following resolution:

Resolved, That the House of Representatives will, the Senate concurring therein, proceed, on Thursday, the 26th inst., at half past two o'clock, P. M., to the election of a United States Senator, to fill the vacancy occasioned by the expiration of the term of service of A. S. White, and that they will proceed in said election from day to day, until a United States' Senator is elected;

The consideration of which had been postponed until this day;

Which motion was agreed to.

Mr. Chapman of Laporte then moved to postpone the further consideration of the subject until Monday next.

The ayes and noes being called for by two Senators,

Those who voted in the affirmative are,

Messrs. Akin, Berry, Buell of Dearborn, Carr, Chapman of Daviess, Chapman of Laporte, Duzan, Edmonson, Herriman, Hutton, Jackson, Jones, Kennedy, Lane, Leviston, Logan, Major, Miller, Parks, Read, Rippey, Ritchey, Rockhill, Tannehill, and Wood—25.

Those who voted in the negative are,

Messrs. Alexander, Allison, Bowers, Bradbury, Buell of Warren, Coffin, Cotton, Davis, Defrees, Dole, Ewing, Farmer, Goodenow, Hamer, Henry, Hodge, Holloway, Moore, Morgan of Decatur, Morgan of Rush, Orth, Pennington, Reyburn, Stanford, and Todd—25.

The Senate being equally divided, the President gave the casting vote in the affirmative.

And so the further consideration of the subject was postponed until Monday next.

On motion by Mr. Henry,

The Senate adjourned.

2 *o'clock, P. M.*

The Senate assembled.

Mr. Hodge presented the following preamble and resolution:

Whereas, it is believed that many of our citizens are grievously harassed, and amerced in heavy bills of costs, and the community unnecessarily taxed in consequence of inducements held out to prosecuting attorneys, under the present laws, regulating their fees and salaries, to multiply indictments in our circuit courts; therefore,

Resolved, That the committee on the judiciary be instructed to inquire into the expediency of authorizing them to draw on the State and county treasuries for a certain salary, to be fixed by law; and that all docket fees in criminal cases be hereafter paid into the several county treasuries.

Which was adopted.

Mr. Ewing submitted the following preamble and resolution:

Whereas, inconvenience in all cases, and personal wrong in many, is now experienced by the mode of entering immediately after the judgment or decree, the recognizance of replevin bail, in criminal cases, inasmuch as it frequently cannot be done, until the next day after the rendition of judgment, and the defendant is held in custody improperly:

Resolved, That the judiciary committee inquire into the expediency of authorizing recognizances of replevin bail in State cases, to be taken orally, or in open court.

Which was adopted.

On motion by Mr. Allison,

Resolved, That the committee on canals and internal improvements be instructed to inquire into the expediency of increasing the rates of tolls on the Wabash and Erie canal, with leave to report by bill or otherwise.

On motion by Mr. Carr,

Resolved, That the Auditor of State be requested to inform the Senate whether, according to the books in his office, there appears to be any balance against the late Treasurer of State; and if any such balance does exist, the amount thereof; the fund to which it belongs; and any other information in relation thereto that he may consider necessary, to give a full understanding of the same.

Mr. Davis moved to take from the table, bill of the House,

No. 66. A bill for the relief of Abigail C. Hovey and Lorenzo D. Hovey, of Carroll county;

Which was agreed to.

Mr. Davis moved to amend the bill, by striking out the bill from its enacting clause, and inserting in lieu thereof the following:

"That, whenever any difficulty shall occur between a guardian and the step-father of a ward, as to which shall have the custody

and tuition of said ward, the party wishing the custody thereof, may file his petition before the probate court, wherever said ward may be situate, setting forth that said ward is in the custody of the said step father or guardian, (as the case may be,) contrary to the interests of said ward, which said petition shall be verified by oath or affirmation of the person making the application; and, thereupon, it shall be the duty of said probate judge to immediately cause to be issued out of the probate court of said county, a writ of habeas corpus, the issuing, the service, and the return thereof, to be in all respects in accordance with existing laws of this State in relation to writs of habeas corpus.

Sec. 2. Whenever said writ shall be returned, and the ward brought before said probate judge, he shall proceed to hear such testimony as may be adduced by the parties to said petition as to the matter in controversy, and upon such testimony, he shall award the custody and tuition of said ward, either to the guardian or step-father as the said judge may determine will best promote the interest, the education, and welfare of said ward, which said determination and award said probate judge is hereby empowered to enforce in the same manner as orders and decrees of a court of chancery are enforced in this State.

Sec. 3. It shall be the duty of the clerks of said probate courts to issue such process as may be required to carry into effect this act; and it is hereby made the duty of sheriffs to execute such process; for which services said clerk and sheriff shall receive the same fees as are allowed for the same services in the circuit court, and shall be collected in the same manner. *Provided, however*, Said probate judge shall, in his discretion, tax up said costs against the parties as justice and equity shall dictate. *Provided, further*, That either party may appeal from the decision of the said probate judge to the circuit court, as in other cases.

Sec. 4. Whenever the guardian or step-father shall each, as an inducement to have the custody and tuition of any ward, propose to educate, clothe, and board such ward for a certain time, free from any charge upon the estate of said ward, it shall be the duty of said probate judge to award the custody of such ward to the guardian or step-father, as may, in his opinion, best promote the interest and welfare of the ward; and the guardian or step-father to whom the custody of such ward is confided, shall give bond payable to the State of Indiana, in such penalty, and to the acceptance of said probate judge as he may think proper, conditioned that he shall well and faithfully educate, clothe, and board such ward, during the time agreed upon, and that no charge therefor shall be made or allowed against the estate of said ward; and, upon a breach of the conditions thereof, he shall be liable to suit in the name of the State of Indiana, for the use of said ward, in any court of competent jurisdiction; and such damages shall be recovered as the court or jury may determine, which, when collected, shall be for the benefit of

said ward. And said ward shall, upon the breach of said bond, be in the custody of the probate court, to be controlled as it may direct.

Sec. 5. This act to be in force from and after its passage; and all laws contravening its provisions are hereby repealed.

Also, to amend the title of the bill as follows: Strike out all after the word, "bill," and insert in lieu thereof the following; "in relation to guardians and wards."

Mr. Chapman of Laporte moved to refer the bill and pending amendments to the committee on the judiciary.

Mr. Edmonson called for a division of the question.

And the question being on referring the bill,

The ayes and noes being desired by two Senators,

And were as follows:

Those who voted in the affirmative are,

Messrs. Alexander, Allison, Bradbury, Buell of Warren, Chapman of Laporte, Coffin, Cotton, Davis, Defrees, Dole, Ewing, Farmer, Goodenow, Henry, Hodge, Holloway, Moore, Morgan of Decatur, Morgan of Rush, Orth, Pennington, Reyburn, Stanford, and Todd —24.

Those who voted in the negative are,

Messrs. Akin, Berry, Carr, Chapman of Daviess, Duzan, Edmonson, Hamer, Herriman, Hutton, Jackson, Jones, Kennedy, Lane, Leviston, Logan, Major, Miller, Parks, Read, Rippey, Ritchey, Rockhill, Tannehill, and Wood—24.

So the bill was not referred.

The question then recurred upon the motion of Mr. Davis, to amend the bill,

The ayes and noes being desired by two Senators,

Those who voted in the affirmative are,

Messrs. Alexander, Allison, Bowers, Bradbury, Buell of Warren, Coffin, Cotton, Davis, Defrees, Dole, Ewing, Farmer, Goodenow, Henry, Hodge, Holloway, Moore, Morgan of Decatur, Morgan of Rush, Orth, Pennington, Reyburn, Stanford, and Todd—24.

Those who voted in the negative are,

Messrs. Akin, Berry, Carr, Chapman of Daviess, Chapman of Laporte, Duzan, Edmonson, Hamer, Herriman, Hutton, Jackson, Jones, Kennedy, Lane, Leviston, Logan, Major, Miller, Parks, Read, Rippey, Ritchey, Rockhill, Tannehill, and Wood—25.

So the amendment was not adopted.

Mr. Orth moved to amend the bill, by adding, as an additional section, the following:

Sec. — That the proper probate court be authorized to restore the said Caroline to her guardian, whenever it shall be made to appear that the said Lorenzo D. Hovey and wife have utterly failed to comply with the provisions of this act.

The ayes and noes being desired by two Senators,

Those who voted in the affirmative are,

Messrs. Alexander, Allison, Bowers, Bradbury, Buell of Warren, Coffin, Cotton, Davis, Defrees, Dole, Ewing, Farmer, Goodenow, Henry, Hodge, Holloway, Moore, Morgan of Decatur, Morgan of Rush, Orth, Pennington, Reyburn, Stanford, and Todd—24.

Those who voted in the negative are,

Messrs. Akin, Berry, Carr, Chapman of Daviess, Chapman of Laporte, Duzan, Edmonson, Hamer, Herriman, Hutton, Jackson, Jones, Kennedy, Lane, Leviston, Logan, Major, Miller, Parks, Read, Rippey, Ritchey, Rockhill, Tannehill, and Wood—25.

So the amendment was disagreed to.

Mr. Ewing moved to amend the bill by adding as follows:

"*Provided*, Security be given to the satisfaction of the proper probate court that said child shall be clothed and educated, and reared in a becoming manner."

The ayes and noes being desired by two Senators,

Those who voted in the affirmative are,

Messrs. Alexander, Allison, Bowers, Bradbury, Buell of Warren, Carr, Coffin, Cotton, Davis, Defrees, Dole, Ewing, Farmer, Goodenow, Hamer, Henry, Hodge, Holloway, Moore, Morgan of Decatur, Morgan of Rush, Orth, Pennington, Reyburn, Stanford, and Todd —25.

Those who voted in the negative are,

Messrs. Akin, Berry, Chapman of Daviess, Chapman of Laporte, Duzan, Edmonson, Herriman, Hutton, Jackson, Jones, Kennedy, Lane, Leviston, Logan, Major, Miller, Parks, Read, Rippey, Ritchey, Rockhill, Tannehill, and Wood—23.

So the amendment was agreed to.

Mr. Orth moved to amend the bill by adding the following as an additional section:

"Sec. —. That the proper probate court be and is hereby authorized to restore the said Caroline to her guardian, at any time hereafter, whenever it shall appear to said court proper so to do."

Upon which,

The ayes and noes being desired by two Senators,

Those who voted in the affirmative are,

Messrs. Alexander, Allison, Bowers, Bradbury, Buell of Warren, Coffin, Cotton, Davis, Defrees, Dole, Ewing, Farmer, Goodenow, Hamer, Henry, Hodge, Holloway, Moore, Morgan of Decatur, Morgan of Rush, Orth, Pennington, Reyburn, and Todd—24.

Those who voted in the negative are,

Messrs. Akin, Berry, Carr, Chapman of Daviess, Chapman of Laporte, Duzan, Edmonson, Herriman, Hutton, Jackson, Jones, Kennedy, Lane, Leviston, Logan, Major, Miller, Parks, Read, Rippey, Ritchey, Rockhill, Tannehill, and Wood—24.

The Senate being equally divided,

The President gave the casting vote in the negative.

So the bill was not so amended.

Mr. Carr moved a reconsideration of the vote adopting Mr. Ewing's amendment to the bill; and,

The ayes and noes being desired by two Senators,

Those who voted in the affirmative are,

Messrs. Akin, Berry, Carr, Chapman of Daviess, Chapman of Laporte, Duzan, Edmonson, Herriman, Hutton, Jackson, Kennedy, Lane, Leviston, Logan, Major, Miller, Parks, Read, Rippey, Ritchey, Rockhill, Tannehill, and Wood—23.

Those who voted in the negative are,

Messrs. Alexander, Allison, Bowers, Bradbury, Buell of Warren, Coffin, Cotton, Davis, Defrees, Dole, Ewing, Farmer, Goodenow, Hamer, Henry, Hodge, Holloway, Jones, Moore, Morgan of Decatur, Morgan of Rush, Orth, Reyburn, Stanford, and Todd—25.

So the motion to reconsider was disagreed to.

The question then recurred,

"Shall the bill be read a third time?"

And the ayes and noes being desired by two Senators,

Those who voted in the affirmative are,

Messrs. Akin, Berry, Chapman of Daviess, Chapman of Laporte, Duzan, Edmonson, Hamer, Herriman, Hutton, Jackson, Jones, Kennedy, Lane, Leviston, Logan, Major, Miller, Parks, Read, Rippey, Ritchey, Rockhill, and Tannehill—23.

Those who voted in the negative are,

Messrs. Alexander, Allison, Bowers, Bradbury, Buell of Warren, Coffin, Cotton, Davis, Defrees, Dole, Ewing, Farmer, Goodenow, Henry, Hodge, Holloway, Moore, Morgan of Decatur, Morgan of Rush, Orth, Pennington, Reyburn, Stanford, Todd, and Wood—25.

So the bill was not ordered to be read a third time.

Mr. Holloway submitted the following resolution:

Resolved, That the committee on the State Library be instructed to enquire into the expediency of instructing the Librarian to return to Mr. Whitcomb the books placed by him in the State Library, particularly that "classic" work, the Newgate Calendar.

Mr. Lane moved to lay the resolution upon the table;

Which was agreed to.

Mr. Defrees introduced,

No. 178. A joint resolution against the revival of the sub-treasury law;

Which was read and ordered to a second reading.

Mr. Davis introduced,

No. 179. A bill to incorporate the Silver creek bridge company;

Which was read, and,

On motion by Mr. Read,

The rule of the Senate was suspended, the bill read a second time, and,

On motion by Mr. Akin,

Was referred to the committee on corporations.

Mr. Edmonson introduced,

No. 180. A bill to repeal part of an act entitled, "An act to change the mode of doing county business in the counties of Warrick and Dubois," approved February 11, 1843;

Which was read and ordered to a second reading.

Mr. Orth introduced,

No. 181. A bill to incorporate the Lafayette bridge company;

Which was read, and,

On motion by Mr. Orth,

The rule of the Senate was suspended, the bill read a second time, and referred to the committee on corporations.

Leave being granted,

Mr. Ritchey, from the committee on education, submitted the following report:

MR. PRESIDENT:

The committee on education, to whom was referred so much of the annual message of His Excellency the Governor as relates to the importance of providing for the construction of a lunatic asylum; and also the memorial of Dr. John Evans, on the same subject, have

given the recommendation and memorial such careful consideration as their importance demanded.

The committee on education of last winter made a report, in which the great importance of prompt action and early effort on the part of the State, in behalf of the unfortunate lunatic, were seriously pressed upon the attention of the Senate. That report closed with the recommendation, that a tax of one cent on the hundred dollars for the erection of a State Lunatic Asylum, should be levied, which, fortunately for the honor of the State, met the cordial concurrence of both branches of the Legislature, and has been cheerfully paid by the people themselves.

This levy has placed at the disposal of the Legislature the considerable amount of some ten or twelve thousand dollars for this most benevolent enterprise. Although this is by no means sufficient for the accomplishment of the noble work, it gives the gratifying assurance of an auspicious commencement.

While your committee would most earnestly recommend a continuance of the tax of one cent on the hundred dollars for the coming and future years, for the completion of this most benevolent undertaking, they can conceive of no good reason why the funds already collected should remain unemployed in the State Treasury. They therefore recommend the formation of a board of commissioners, to select and purchase a suitable site, with a sufficient quantity of land, for the location of the asylum, authorizing the appropriation of a part of the fund collected for the payment. They believe that at no future period could a farm be purchased on more reasonable terms than at present, and that the interest of the institution would be advanced by the employment of a part of the funds already collected for the procurement of an eligible situation.

The committee are informed that the block in the town of Indianapolis, donated for the institution of a lunatic asylum, contains four acres, and is situated in the most elevated and beautiful part of the city. It is believed that as the city enlarges and improves, and as the Madison and Indianapolis Railroad approaches its completion, the value of this property will be enhanced; and as some considerable time must elapse before sufficient means can be collected to warrant the prosecution and actual letting of the work, it is thought advisable to make no disposition of this donation at present.

The committee deem it further advisable to authorize the board of commissioners to obtain all the information as to the most approved plans for building, and the best methods of conducting such institutions, which can be obtained, by opening a correspondence with persons engaged in the asylums of our sister States.

As it is believed that by the commencement of the year 1846, a sufficient amount of money may be obtained to warrant the letting and erection of suitable buildings for the reception and treatment of the unfortunate maniac, it is recommended that the board be authorized to advertise for and receive plans and proposals for building,

that no time may be lost after the means of prosecuting this great work shall have been obtained.

In view of the foregoing considerations, the committee have directed me to report the following bill and recommend its passage:

No. 182. An act to provide for procuring a suitable site for the erection of a State Lunatic Asylum;

Which was read, and,

On motion by Mr. Ritchey,

The rule of the Senate was suspended, the bill read a second time, and ordered to lie upon the table.

Mr. Hodge introduced,

No. 183. A bill to legalize the proceedings of Stevens Casey;

Which was read and ordered to a second reading.

Mr. Logan introduced,

No. 184. A bill to amend the 159th, 359th, 360th, and 374th sections of chapter 30 of the Revised Statutes of 1843;

Which was read, and,

On motion by Mr. Logan,

The rule of the Senate was suspended, the bill read a second time, and referred to the committee on the judiciary.

Mr. Read introduced,

No. 185. A bill relative to landlord and tenant;

Which was read, and,

On motion by Mr. Chapman of Laporte,

The rule of the Senate was suspended, the bill read a second time, and referred to the committee on the judiciary.

The President laid before the Senate the report of E. F. Lucas, general superintendent of the Wabash and Erie canal, in reply to a resolution of the Senate, on the subject of expenditures, &c. on said canal.

On motion by Mr. Chapman of Laporte,

Ordered, That said report lie upon the table,

And that one hundred copies thereof be printed for the use of the Senate.

On motion by Mr. Lane,

The following message from the House by Mr. Farquhar, their clerk,

Was taken up:

MR. PRESIDENT:

The House of Representatives have passed engrossed bills thereof, entitled,

No. 33. An act to amend an act, providing for the election of a school commissioner in Russell township, in the county of Putnam;

No. 35. An act to authorize Ruel Starr to erect a mill-dam across the Calumet river;

No. 36. An act to repeal the Posey county road law;

No. 41. An act limiting the fees of sheriff for extra services, in the county of Marshall;

No. 51. An act to legalize the election of trustees of the Enon Church of General Baptists, in Gibson county;

No. 54. An act to authorize Daniel C. Shannon to erect a mill-dam across the Mississinewa river;

No. 38. An act to authorize the board of commissioners of Bartholomew county to erect a toll bridge across the Driftwood fork of White river, at Columbus;

In which the concurrence of the Senate is requested.

Mr. Lane moved to take up,

No. 36. A bill to repeal the Posey county road law;

Contained in the foregoing message,

Was read, and,

On motion by Mr. Lane,

The rule of the Senate was suspended,

The bill read a second and third times and passed.

Ordered, That the Secretary inform the House of the passage thereof.

On motion by Mr. Coffin,

The Senate adjourned.

TUESDAY MORNING, DECEMBER 31, 1844.

The Senate assembled.

The Journal of the preceding day was read.

Mr. Ritchey, chairman of the committee on finance, submitted the following report:

MR. PRESIDENT:

The committee on finance to whom was referred a resolution of the Senate, directing an inquiry "into the expediency of repealing so much of the Revised Statutes of 1843, as levies a tax on debts or money owing," (or loaned,) have carefully examined the subject, and have directed me to report it inexpedient to legislate upon the subject.

Ordered, That the report of the committee be concurred in.

Mr. Ritchey, from the committee on finance, submitted the following report:

MR. PRESIDENT:

The committee on finance, to whom was directed a resolution of the Senate, referring "so much of the Governor's annual message as relates to the indebtedness of the State," have had the subject under consideration, and as there is now on the files of the Senate a bill providing for the payment of the State debt, have directed me to ask that they be discharged from the further consideration of the subject.

Ordered, That the committee be discharged from the further consideration of the subject.

Mr. Ritchey, chairman of the committee on finance, submitted the following report:

MR. PRESIDENT:

The committee on finance, to whom was referred a resolution of the Senate, directing an inquiry into the expediency of making some disposition of the funds now in the State Treasury, from estates without known heirs, have examined the subject referred to them, and finding that in the 125th sec., 28th chap. of Revised Statutes of 1843, it is provided that such estates "shall escheat to the State of Indiana, to be applied exclusively to the support of common schools of the several townships of the county" where such estate may be situated, have directed me to report it inexpedient to legislate further upon the subject matter of the resolution at present.

Ordered, That the report of the committee be concurred in.

Mr. Ritchey, chairman of the committee on finance, submitted the following report:

MR. PRESIDENT:

The committee on finance, to whom was referred bill of the Senate,

No. 96. Entitled, "a bill to extend the time for the treasurer of Boone county to distrain property for the non-payment of taxes;"

Have examined the subject with due care, and have directed me to report the bill back to the Senate, and recommend its indefinite postponement.

Ordered, That the report of the committee be concurred in,

And the further consideration of the bill be indefinitely postponed.

Mr. Duzan, from the committee on education, submitted the following report:

MR. PRESIDENT:

The committee on education, to whom was referred the petition of sundry citizens of Grant county, praying for the passage of an act, abolishing the office of school commissioner in said county;

Have had the same under consideration, and have instructed me to report, that in the opinion of the committee it is inexpedient at this time to legislate on the subject.

Ordered, That the report of the committee be concurred in.

Mr. Jones, chairman of the committee on canals and internal improvements, submitted the following report:

MR. PRESIDENT:

The committee on canals and internal improvements, to whom was referred the petition of sundry citizens of Parke county, praying for the construction of a bridge across the Wabash and Erie canal, at a certain point therein named,

Have had the same under consideration, and have directed me to report, that it is, in the opinion of the committee, inexpedient to legislate on that subject at the present session of the General Assembly.

Ordered, That the report of the committee be concurred in.

Mr. Jones, chairman of the committee on canals and internal improvements, submitted the following report:

MR. PRESIDENT:

The committee on canals and internal improvements, to whom was referred bill of the House,

No. 145. A bill to amend an act, entitled, an act for the relief of John Law, Lucius H. Scott, Hugh Steward, Henry V. McCall, James B. McCall, and Mary J. McCall, the heirs and legal representatives of James B. McCall, deceased;

Have had the same under consideration, and have directed me to report it back without amendment, and respectfully recommend its passage.

Ordered, That the bill be engrossed.

On motion by Mr. Lane,

The rule of the Senate was suspended,

The bill read a third time and passed.

Ordered, That the Secretary inform the House accordingly.

Mr. Jones, chairman of the committee on canals and internal improvements, submitted the following report:

MR. PRESIDENT:

The committee on canals and internal improvements, to whom was referred joint resolution of the Senate No. 26, "A joint resolution relative to the Whitewater canal company," have had the same under consideration, and a majority of the committee have directed me to report it back and recommend its indefinite postponement.

The ayes and noes being desired by two Senators,
On the concurrence in the report of the committee:

Those who voted in the affirmative are,

Messrs. Alexander, Allison, Bowers, Bradbury, Buell of Warren, Coffin, Cotton, Davis, Defrees, Dole, Ewing, Farmer, Goodenow, Hamer, Hodge, Holloway, Leviston, Moore, Morgan of Decatur, Morgan of Rush, Orth, Pennington, Reyburn, Stanford, Tannehill, Todd and Wood—27.

Those who voted in the negative are,

Messrs. Akin, Berry, Carr, Chapman of Daviess, Chapman of Laporte, Duzan, Edmonson, Henry, Herriman, Hutton, Jackson, Jones, Kennedy, Lane, Logan, Major, Miller, Read, Rippey, Ritchey, and Rockhill—20.

So the report of the committee was concurred in, and the further consideration of the joint resolution indefinitely postponed.

Mr. Bradbury, from the committee on canals and internal improvements, submitted the following report:

MR. PRESIDENT:

The committee on canals and internal improvements, to which was referred a petition from sundry citizens of Wayne county, praying for the passage of an act incorporating a company to construct a canal or railroad from Centreville, in Wayne county, to intersect the Whitewater valley canal at Connersville, or at some convenient point above, have had that subject under consideration, and directed me to report the following bill and recommend its passage:

No. 166. A bill to incorporate the Noland's fork canal company;
Which was read, and,
On motion by Mr. Bradbury,

The rule of the Senate was suspended, the bill read a second time, and referred to the committee on corporations.

Mr. Edmonson, chairman of the committee on corporations, submitted the following report:

MR. PRESIDENT:

The committee on corporations, to whom was referred bill of the Senate No. 169, "A bill to incorporate the Laporte county mutual insurance company," have had the same under consideration, and have directed me to report the same back, with one amendment, and ask the concurrence of the Senate.

Amend as follows:
SEC. 18. This act to take effect and be in force from and after its passage; and this act shall be subject to repeal or alteration at any time by the General Assembly.
Mr. Chapman of Laporte moved to lay the report and bill upon the table;
Which was agreed to.

Mr. Moore, from the committee on corporations, submitted the following report:

MR. PRESIDENT:

The committee on corporations, to whom was referred Senate bill No. 152, entitled, "A bill to incorporate the Lafayette and Ohio Turnpike Company," have had that subject under consideration, and directed me to report it back to the Senate and recommend its passage, with the following amendments:

First amendment:
Strike out the words "without the benefit of valuation and appraisement laws," wherever they occur in said bill.
Second amendment:
Add to section 28 the following words: "And the stockholders in this corporation shall be individually liable for all debts contracted in said corporation, in proportion to the amount of stock held by each."

Mr. Orth called for a division of the question, as to concurrence by the Senate with the amendments of the committee.
The question was on concurring in the first amendment;
And it was agreed to.
The question then being on concurring in the second amendment,
The ayes and noes were desired by two Senators,
And were as follows:

Those who voted in the affirmative are,

Messrs. Akin, Berry, Carr, Chapman of Daviess, Chapman of Laporte, Duzan, Edmonson, Hamer, Herriman, Hutton, Jackson, Jones, Kennedy, Lane, Major, Miller, Parks, Rippey, Ritchey, Rockhill, and Wood—21.

Those who voted in the negative are,

Messrs. Alexander, Allison, Bowers, Bradbury, Buell of Warren, Coffin, Cotton, Davis, Defrees, Dole, Ewing, Farmer, Goodenow, Hodge, Holloway, Leviston, Logan, Moore, Morgan of Decatur, Morgan of Rush, Orth, Pennington, Reyburn, Stanford, Tannehill, and Todd—26.

So the Senate refused to concur in the second amendment.

The question was then taken on ordering the bill to be engrossed; and,

The ayes and noes being desired by two Senators,

Those who voted in the affirmative are,

Messrs. Akin, Alexander, Allison, Bowers, Bradbury, Buell of Warren, Coffin, Cotton, Davis, Defrees, Dole, Ewing, Goodenow, Hamer, Henry, Hodge, Holloway, Jackson, Jones, Kennedy, Leviston, Major, Moore, Morgan of Decatur, Morgan of Rush, Orth, Pennington, Read, Reyburn, Rockhill, Stanford, Tannehill, Todd, and Wood—34.

Those who voted in the negative are,

Messrs. Berry, Carr, Chapman of Daviess, Chapman of Laporte, Duzan, Edmonson, Farmer, Herriman, Hutton, Lane, Logan, Miller, Parks, Rippey, and Ritchey—15.

So the bill was ordered to be engrossed.

Mr. Orth moved to suspend the rule of the Senate and read the bill a third time now;

Which was agreed to.

The bill was then read a third time.

On the question,

"Shall the bill pass?"

The ayes and noes were desired by two Senators.

Those who voted in the affirmative are,

Messrs. Alexander, Allison, Bowers, Bradbury, Buell of Warren, Coffin, Cotton, Davis, Dole, Ewing, Farmer, Goodenow, Hamer, Henry, Hodge, Holloway, Jackson, Jones, Kennedy, Leviston, Major, Moore, Morgan of Decatur, Morgan of Rush, Orth, Pennington, Reyburn, Stanford, Tannehill, Todd, and Wood—31.

Those who voted in the negative are,

Messrs. Akin, Berry, Carr, Chapman of Daviess, Chapman of Laporte, Duzan, Edmonson, Herriman, Hutton, Lane, Logan, Miller, Parks, Read, Rippey, Ritchey, and Rockhill—17.

So the bill passed.

Ordered, That the Secretary inform the House of Representatives thereof and ask their concurrence.

Mr. Hodge, from the committee on corporations, submitted the following report:

MR. PRESIDENT:

The committee on corporations, to whom was referred bill No. 128, of the Senate, entitled, "A bill to amend an act entitled, an act to incorporate the University of Notre Dame du Lac, at South Bend, in St. Joseph county, Indiana," have had the same under consideration, and have directed me to report the same back and recommend its indefinite postponement.

On motion by Mr. Chapman of Laporte,

Ordered, That said report and bill lie upon the table.

Mr. Logan, from a select committee, submitted the following report:

MR. PRESIDENT:

The select committee to whom was referred the petition of Elijah Newland and other citizens of Washington county, praying that the act approved Jan. 31st, 1842, organizing a board of justices in said county, be repealed, and that the general law in the Revised Statutes of 1843, regulating the mode of doing county business, by *three* commissioners elected by the people, be declared in force in said county; have, according to order, had the same under consideration, and have directed me to report that they believe all local legislation on general subjects unwise and prejudicial in its consequences; they therefore have directed me to report the following bill and recommend its passage:

No. 187. A bill to change the mode of doing county business in the county of Washington;

Which was read, and,

On motion by Mr. Logan,

The rule of the Senate was suspended,

The bill read a second and third times, and passed.

Ordered, That the Secretary inform the House of Representatives thereof, and ask their concurrence.

Mr. Bowers, from a select committee, submitted the following report:

MR. PRESIDENT:

The select committee to which was referred the petition of J. D. Skeen and other citizens of Ripley county, praying for a change of the time of holding probate courts in said county, have, according to order, had the same under consideration, and have directed me to report a bill in accordance with the prayer of said petitioners, and recommend its passage:

No. 188. A bill to change the time of holding probate courts in the county of Ripley;
Which was read, and,
On motion by Mr. Bowers,
The rule of the Senate was suspended,
The bill read a second and third times, and passed.
Ordered, That the Secretary inform the House of Representatives thereof, and ask their concurrence.

Mr. Alexander, from a select committee, submitted the following report:

MR. PRESIDENT:

The select committee to whom was referred the petition of Lewis Orth, have had it under consideration, and directed me to report the following bill, and recommend its passage:

No. 189. A bill for the benefit of Lewis Orth, David Wade, and James Thomas;
Which was read.
On motion by Mr. Alexander,
The rule of the Senate was suspended,
And the bill read a second time.
Mr. Lane moved to refer the bill to the committee on the judiciary,
Which was disagreed to.
On motion by Mr. Alexander,
The rule of the Senate was suspended,
The bill read a third time and passed.
Ordered, That the Secretary inform the House thereof, and ask their concurrence.

Mr. Wood, from a select committee, submitted the following report:

MR. PRESIDENT:

The select committee to which was referred the petition of Thomas McGrath and others, of Blackford county, praying for the passage of an act, to abolish the office of county auditor in said county, have had the same under consideration, and have directed me to report the following bill and recommend its passage:

No. 190. A bill abolishing the office of county auditor, in the county of Blackford;
Which was read.
On motion by Mr. Orth,
The rule of the Senate was suspended,
The bill read a second time, and,
On motion by Mr. Lane,
Referred to the committee on the judiciary.
Mr. Chapman of Laporte, moved to take from the table the report of the committee on corporations, in relation to bill of the Senate,
No. 128. A bill to amend an act, entitled, an act to incorporate the university of Notre Dame du Lac, at South Bend;
Which was agreed to.
The question being on concurring in the report of the committee, recommending the indefinite postponement of the bill,
And the ayes and noes were desired by two Senators,
And were as follows:

Those who voted in the affirmative are,

Messrs. Berry, Edmonson, Henry, Herriman, Hutton, Jackson, Kennedy, Leviston, Major, Parks, Read, Rippey, Ritchey, Rockhill, Stanford, Tannehill, Todd, and Wood—18.

Those who voted in the negative are,

Messrs. Akin, Alexander, Allison, Bowers, Bradbury, Buell of Warren, Chapman of Daviess, Chapman of Laporte, Coffin, Cotton, Davis, Defrees, Dole, Duzan, Ewing, Farmer, Goodenow, Hamer, Holloway, Moore, Morgan of Decatur, Morgan of Rush, Orth, Pennington, and Reyburn—25.
So the report of the committee was not concurred in.
Ordered, That the said bill be engrossed.
Mr. Defrees submitted the following preamble and resolution:
Whereas the committee on the State Bank has submitted a recommendation, that the Bedford Branch of the State Bank of Indiana be closed up; and, whereas the commercial character of the city of Logansport presents a guaranty that a branch of said bank could be employed profitably to the State and beneficially to the people at that place: therefore,

Resolved, That the committee on the State Bank, be instructed to inquire into the expediency of removing that portion of the State stock, now in the Bedford Branch, to Logansport, and to report by bill or otherwise.

Mr. Hamer moved to lay the preamble and resolution upon the table, but withdrew his motion.

Mr. Davis moved to amend the preamble and resolution, by striking therefrom "Bedford," and inserting in lieu thereof, "South Bend."

Mr. Dole moved to amend the amendment by striking out "Logansport," and inserting in lieu thereof, "Perrysville."

Mr. Hamer moved to lay the preamble, resolution, and proposed amendments upon the table.

The ayes and noes being desired by two Senators,

Those who voted in the affirmative are,

Messrs. Akin, Alexander, Allison, Berry, Bowers, Bradbury, Buell of Warren, Carr, Chapman of Daviess, Coffin, Cotton, Davis, Dole, Edmonson, Ewing, Farmer, Goodenow, Hamer, Henry, Hodge, Holloway, Hutton, Jackson, Kennedy, Lane, Leviston, Major, Moore, Orth, Parks, Read, Ritchey, Stanford, Tannehill, Todd, and Wood —35.

Those who voted in the negative are,

Messrs. Chapman of Laporte, Defrees, Duzan, Herriman, Morgan of Decatur, Morgan of Rush, Pennington, Reyburn, Rippey, and Rockhill—10.

So it was ordered that the preamble, resolution, and proposed amendments lie upon the table.

On motion by Mr. Parks,

Resolved, That the Senate will, the House concurring therein, proceed on Wednesday next at 10 o'clock, A. M., to elect a Secretary of State, to fill the vacancy which will be occasioned by the expiration of the term of service of the present incumbent.

Ordered, That the Secretary inform the House of the passage of this resolution, and ask their concurrence therein.

On motion by Mr. Todd,

Resolved, That the committee on education be instructed to inquire into the expediency of so changing the common school law as contained in the 3d article of the 15th chap. of the Revised Statutes, as to require that any money tax levied in a school district, shall be done by at least a majority of the said district, and report by bill or otherwise.

On motion by Mr. Reyburn,

Resolved, That the committee on canals and internal improvements be directed to inquire whether common justice would not be

promoted by authorizing those having the letting of water power, on the Wabash and Erie canal, to give the preference to the owners of the land on which said water sites may be situated, by such owners giving as much, and complying, in other respects, with the laws now in force on that subject, to report by bill or otherwise.

On motion by Mr. Dole,

Resolved, That the general superintendent of the Wabash and Erie canal be requested to furnish the Senate, at his earliest convenience, with a statement of the amount received for water rents, during the past year, at Pittsburgh, in Carroll county: Also, whether all the water leased at that point has been measured, and the holders called upon for the amount due the State for the use of such water power.

Mr. Wood moved to suspend the order of business, to enable him to move a re-consideration of the vote of the Senate, refusing to order to a third reading, No. 66,

A bill of the House,

Entitled, a bill for the relief of Abigail C. Hovey, and Lorenzo D. Hovey, of Carroll county.

The ayes and noes being desired by two Senators,

On the question of suspending the order of business,

Those who voted in the affirmative are,

Messrs. Akin, Berry, Bowers, Carr, Chapman of Daviess, Chapman of Laporte, Davis, Defrees, Dole, Duzan, Edmonson, Ewing, Farmer, Goodenow, Hamer, Henry, Herriman, Holloway, Hutton, Jackson, Jones, Kennedy, Lane, Leviston, Logan, Major, Miller, Moore, Orth, Parks, Read, Reyburn, Rippey, Ritchey, Rockhill, Tannehill, and Wood—37.

Those who voted in the negative are,

Messrs. Alexander, Allison, Bradbury, Buell of Warren, Cotton, Hodge, Morgan of Decatur, Morgan of Rush, Pennington, Stanford, and Todd—11.

So the order of business was suspended.

Mr. Berry moved a call of the Senate,

Which was not agreed to.

Mr. Wood then moved a re-consideration of the vote refusing to order said bill to a third reading.

The ayes and noes being called for by two Senators,

Those who voted in the affirmative are,

Messrs. Akin, Berry, Carr, Chapman of Daviess, Chapman of Laporte, Duzan, Edmonson, Hamer, Herriman, Hutton, Jackson, Jones,

Kennedy, Lane, Leviston, Logan, Major, Miller, Parks, Read, Rippey, Ritchey, Rockhill, Tannehill, and Wood—25.

Those who voted in the negative are,

Messrs. Alexander, Allison, Bowers, Bradbury, Buell of Warren, Coffin, Cotton, Davis, Defrees, Dole, Ewing, Farmer, Goodenow, Henry, Hodge, Holloway, Moore, Morgan of Decatur, Morgan of Rush, Orth, Pennington, Reyburn, Stanford, and Todd—24.

So the vote was reconsidered.

Mr. Herriman moved a reconsideration of the vote rejecting the amendment of Mr. Orth to said bill, as follows:

"Add the following words as an additional section:

"SEC. —. That the proper probate court be authorized to restore the said Caroline to her guardian whenever it shall be made to appear that the said Lorenzo D. Hovey and wife have utterly failed to comply with the provisions of this act;"

Which motion was agreed to.

The amendment of Mr. Orth was then agreed to.

Mr. Chapman of Laporte moved to refer the bill to the committee on the judiciary;

Which was disagreed to.

The question then recurred,

"Shall the amendments be engrossed and the bill pass to a third reading?"

The ayes and noes being desired by two Senators,

Those who voted in the affirmative are,

Messrs. Akin, Berry, Carr, Chapman of Daviess, Chapman of Laporte, Duzan, Edmonson, Hamer, Herriman, Hutton, Jackson, Jones, Kennedy, Lane, Leviston, Logan, Major, Miller, Parks, Read, Rippey, Ritchey, Rockhill, Tannehill, Todd, and Wood—26.

Those who voted in the negative are,

Messrs. Alexander, Allison, Bowers, Bradbury, Buell of Warren, Coffin, Cotton, Davis, Defrees, Dole, Ewing, Farmer, Goodenow, Henry, Hodge, Holloway, Moore, Morgan of Decatur, Morgan of Rush, Orth, Pennington, Reyburn, and Stanford—23.

So it was ordered that the amendments be engrossed and the bill pass to a third reading.

Mr. Orth introduced,

No. 191. A joint resolution on the subject of the Wabash and Erie canal west of Lafayette;

Which was read.

Mr. Buell of Warren moved to suspend the rule of the Senate and read the joint resolution a second time now;

Which was not agreed to.

The joint resolution was then ordered to a second reading.

Leave having been obtained,

Mr. Rockhill, from a select committee, submitted the following report:

MR. PRESIDENT:

The select committee to whom was referred a petition of sundry citizens of Adams county, on the subject of a free turnpike road in said county, have had the same under consideration, and have directed me to report the following bill and recommend its passage:

No. 192. A bill to establish a turnpike road in the county of Adams;

Which was read.

On motion by Mr. Rockhill,

The rule of the Senate was suspended, the bill read a second time, and referred to the committee on corporations.

The Senate then proceeded to the orders of the day.

ON A THIRD READING.

No. 135. A bill for the benefit of bail for the stay of execution;

Was read a third time and passed.

Ordered, That the Secretary inform the House of the passage thereof, and ask their concurrence.

No. 121. A bill to further extend to the State Bank of Indiana the privilege of issuing notes of a less denomination than five dollars;

Was read a third time.

Mr. Herriman moved to refer the bill to a select committee, with instructions to strike out 800,000 dollars, and insert, in lieu thereof, 500,000 dollars;

The ayes and noes being desired by two Senators,

Those who voted in the affirmative are,

Messrs. Alexander, Berry, Carr, Chapman of Daviess, Defrees, Duzan, Edmonson, Ewing, Henry, Herriman, Hodge, Jones, Kennedy, Leviston, Logan, Major, Moore, Reyburn, Ritchey, and Wood —20.

Those who voted in the negative are,

Messrs. Akin, Allison, Bowers, Bradbury, Buell of Warren, Chapman of Laporte, Coffin, Cotton, Davis, Dole, Farmer, Goodenow,

Hamer, Holloway, Hutton, Jackson, Lane, Miller, Morgan of Decatur, Morgan of Rush, Orth, Parks, Pennington, Read, Rippey, Rockhill, Stanford, Tannehill, and Todd—29.

So the motion was disagreed to.

Mr. Chapman of Laporte moved to recommit the bill to the judiciary committee;

Which the President decided to be out of order, without accompanying instructions.

The question then being on the passage of the bill,

The ayes and noes were desired by two Senators,

And were as follows:

Those who voted in the affirmative are,

Messrs. Akin, Allison, Bowers, Bradbury, Chapman of Daviess, Coffin, Cotton, Davis, Dole, Farmer, Goodenow, Hamer, Henry, Holloway, Jackson, Lane, Moore, Morgan of Decatur, Morgan of Rush, Parks, Read, Reyburn, Stanford, Tannehill, and Todd—25.

Those who voted in the negative are,

Messrs. Alexander, Berry, Buell of Warren, Carr, Chapman of Laporte, Defrees, Duzan, Edmonson, Ewing, Herriman, Hodge, Hutton, Jones, Kennedy, Logan, Major, Miller, Orth, Pennington, Rippey, Ritchey, Rockhill, and Wood—23.

So the bill passed.

Ordered, That the Secretary inform the House of the passage of the bill, and ask their concurrence.

No. 171. A bill to encourage the killing of muskrats on the Wabash and Erie canal;

Mr. Ewing moved to recommit the bill to a select committee, with instructions to strike out so much of said bill as provides for giving a premium for ears, and render the language of the bill more precise.

Mr. Lane moved to amend the instructions so as to require that the ears shall always constitute a part of the scalp.

The motion to recommit with the instructions, as amended, was then agreed to.

Ordered, That the committee consist of Messrs. Ewing, Reyburn, and Chapman of Laporte.

On motion by Mr. Stanford,

The order of business was suspended to take up the following

Message from the House, by Mr. Farquhar, their Clerk:

MR. PRESIDENT:

The House of Representatives has passed engrossed bill thereof, entitled:

No. 280. An act to authorize a special term of the Henry circuit court;

In which the concurrence of the Senate is respectfully requested.

No. 280. An act to authorize a special term of the Henry circuit court,

As contained in the foregoing message,

Was read, and,

On motion by Mr. Stanford,

The rule of the Senate was suspended,

The bill read a second and third times, and passed.

Ordered, That the Secretary inform the House accordingly.

No. 112. A bill for the relief of James S. Armstrong;

Was read a third time.

The question being on the passage of the bill,

The ayes and noes were desired by two Senators,

And were as follows:

Those who voted in the affirmative are,

Messrs. Alexander, Bowers, Bradbury, Buell of Warren, Coffin, Cotton, Davis, Ewing, Hodge, Holloway, Hutton, Moore, Orth, Reyburn, Tannehill, Todd, and Wood—17.

Those who voted in the negative are,

Messrs. Akin, Allison, Carr, Chapman of Daviess, Chapman of Laporte, Defrees, Duzan, Edmonson, Farmer, Goodenow, Hamer, Henry, Herriman, Jackson, Jones, Kennedy, Lane, Leviston, Logan, Major, Miller, Morgan of Decatur, Morgan of Rush, Parks, Read, Rippey, Ritchey, Rockhill, and Stanford—29.

So the bill did not pass.

No. 132. A bill to require the Auditor and Treasurer of State to annex a list of defaulters to their annual reports;

Was read a third time and passed.

Ordered, That the Secretary inform the House thereof, and ask their concurrence.

No. 32. A bill for the relief of Isaiah W. Cron, and Daniel McCaughn;

Was read a third time, and,

On the question, "Shall the bill pass?"

It was decided in the negative.

So the bill did not pass.

Mr. Chapman of Laporte, moved to re-consider the vote just taken on bill No. 32, refusing to pass said bill,

Which was agreed to.

Mr. Chapman of Laporte, moved to commit the bill to a select

committee, with instructions to provide that the provisions of this bill shall not affect the interest of any third person, in or to said lands, or in any manner operate as a loss to the State of Indiana;

Which was agreed to.

Ordered, That the committee consist of Messrs. Chapman of Laporte, Farmer, and Pennington.

On motion by Mr. Defrees,

The Senate adjourned.

2 *o'clock, P. M.*

The Senate assembled.

The President laid before the Senate, the following report of the Auditor of State, in reply to a resolution of the Senate:

AUDITOR'S OFFICE,
December 31, 1844.

To the Honorable JESSE D. BRIGHT,
President of the Senate:

SIR:—The following resolution of the Senate, adopted on the 30th inst., has been received by this office:

Resolved, That the Auditor of State be requested to inform the Senate whether, according to the books of his office, there appears to be any balance against the late Treasurer of State; and if any such balance does exist, the amount thereof; the fund to which it belongs; and any other information in relation thereto that he may consider necessary, to give a full understanding of the same.

In reply to this resolution, I would respectfully state, that at the expiration of the late Treasurer of State's term of office, on the 16th day of February, 1844, the account against him, as it appeared on the books of this office, was as follows:

Balance in the Treasury on the 1st day of Nov. 1843, provided all warrants audited prior to that date had been redeemed, - - - - -	$370,145 94
Receipts at the Treasury from the 1st day of November, 1843, to the 16th of February, 1844, both days included, - - - - - - -	923,963 30
Total, - -	$1,294,109 24
The amount of warrants audited from the 1st day of November, 1843, to the 16th of February, 1844, both days included, - - - -	$1,121,200 39
Balance in the Treasury, on 16th Feb'ry 1844,	$172,908 85

The Senate will readily understand that it is wholly out of the power of this office, from an inspection of the books kept here, to determine the amount of money *actually* in the Treasury, at any specified day. Even if no misapplication of the funds of the State had been made, there are always many warrants which are not presented at the Treasury as soon as issued; and for this reason alone, the amount of money on hand must always be greater than the balance shown by the books of the Auditor's office. The amount of warrants so outstanding can be ascertained only by reference to the Treasurer's books. But in addition to this, the late Treasurer of State adopted a practice which precluded the possibility of ascertaining from the registers in either office, the amount of cash on hand, though the necessary allowance *had* been made for outstanding warrants. It will be seen, by reference to a communication, recently submitted to the Senate by the present Treasurer, that a very large amount of money was paid into the Treasury during the incumbency of his predecessor, and informal receipts given therefor. As these receipts were not brought on the books of either office, at the time the late Treasurer's term expired, there was, instead of being a deficit in the cash on hand, a large surplus, as compared with the amount which the books of the two offices showed should have been in the Treasury at that date. The deficiency in the cash on hand, to which the attention of the Senate has been called by the late Treasurer of State, could not have been known to this office, from *its books alone*, at any time; and could not have been ascertained by his successor, until all the informal receipts had been taken up and regular ones given in their place. It appears from the memorial of the late Treasurer, that the amount of those informal receipts has proved to be greater than he anticipated; and hence the deficiency, which he states exists in the amount of the cash he had on hand when his term of office expired. Whether that deficit has been correctly stated could have been ascertained *only* by counting the money in the Treasury, and comparing the sum with the amount which the books of this office showed to be on hand, adding thereto the amount of outstanding warrants, and the sum of all the informal receipts, which had been given. In the absence of such informal receipts, this office could have furnished the *data* from which an accurate conclusion could have been drawn; but under the circumstances, one of the main objects for which this office was established by the constitution was entirely defeated.

In reply to the second branch of the resolution, I would respectfully state, that accounts are kept on the books of this office of the receipts and expenditures of the various funds belonging to the State, and the balance which *ought* to be in the Treasury, belonging to any one of them, can always be stated with certainty: but whether a deficit in the cash on hand should apply to one or the other is a matter of which this office necessarily can have no cognizance. If the moneys paid into the Treasury on account of these various

funds, have been kept by the Treasurer distinct, the information sought for can be furnished by that officer, and by him alone.

As to the discrepancy between the cash account of the late Treasurer of State, and the amount of funds which he has handed over to his successor, this office is in possession of no information which it would be important to communicate to the Senate. It is a matter, whose explanation belongs to another department.

I am very respectfully,
Your obedient servant,
HORATIO J. HARRIS,
Auditor of State.

Which,

On motion by Mr. Carr,

Was referred to the committee on claims.

No. 189. A bill for the relief of Lewis Orth, David Wade, and James Thomas;

On motion by Mr. Alexander,

The rule of the Senate was suspended,

The bill read a third time and passed.

Ordered, That the Secretary inform the House of the passage thereof, and ask their concurrence.

BILLS ON A SECOND READING.

No. 139. A bill to amend an act entitled, an act to incorporate the Perrysville canal lock company, approved February 12, 1844, and to correct a misprint therein;

Was read a second time.

On motion by Mr. Dole,

The rule of the Senate was suspended,

The bill read a third time and passed.

Ordered, That the Secretary inform the House thereof, and ask their concurrence.

No. 140. A bill repealing certain acts relative to the establishment of bank districts;

No. 141. A bill to repeal an act entitled, "an act to reduce the prices paid for ferriages in Lawrence county, approved January 15, 1844," and to revive the general law;

Were severally read a second time and ordered to be engrossed.

No. 142. A bill defining the duties of millers in certain cases;

Was read a second time, and,

On motion by Mr. Chapman of Laporte,

Was referred to the committee on agriculture.

No. 144. A bill to continue in force an act, entitled, "an act to incorporate the Brookville and Richmond canal company;

Was read a second time, and,

On motion by Mr. Herriman,

Referred to the committee on corporations.

No. 146. A bill to authorize Samuel Dyer, Sen., to erect a mill-dam across White river, in Owen county;

Was read a second time.

Mr. Parks moved to amend the bill, by adding to the first section the following proviso:

Provided, however, That the said Samuel Dyer, before commencing to build the dam, as provided in the first section of this act, shall execute a bond payable to the State of Indiana, in the sum of ten thousand dollars, with five good freehold securities, who shall be held bound for all damages that may occur to any boat or craft, ascending or descending over said dam.

Which amendment was agreed to.

Mr. Parks moved to indefinitely postpone the further consideration of the bill.

The ayes and noes being desired by two Senators,

Those who voted in the affirmative are,

Messrs. Alexander, Berry, Defrees, Edmonson, Ewing, Hamer, Henry, Herriman, Hodge, Jackson, Leviston, Logan, Major, Miller, Parks, Reyburn, Rippey, Ritchey, Tannehill, Todd, and Wood—21.

Those who voted in the negative are,

Messrs. Akin, Allison, Bowers, Bradbury, Buell of Warren, Carr, Chapman of Daviess, Chapman of Laporte, Coffin, Cotton, Davis, Farmer, Goodenow, Holloway, Moore, Morgan of Decatur, Morgan of Rush, Orth, Pennington, Read, Rockhill, and Stanford—22.

So the further consideration of the bill was not indefinitely postponed.

On the question, "Shall the bill be engrossed?"

It was decided in the negative.

No. 147. A bill to change the name of Muncietown;

No. 148. A bill to locate a certain State road therein named, in Orange county;

Were severally read a second time and ordered to be engrossed.

No. 149. A bill to change the mode of doing county business in the county of Parke;

Was read a second time.

On motion by Mr. Coffin,

The rule of the Senate was suspended,

The bill read a third time, and passed.

Ordered, That the Secretary inform the House thereof, and ask their concurrence.

A message from the House of Representatives by Mr. Farquhar, their Clerk:

MR. PRESIDENT:

The Speaker of the House of Representatives has signed the following enrolled bill of the House, to-wit:

No. 127. An act defining the mode of electing a Secretary of State;

Which I have been directed to bring to the Senate for the signature of the President.

And thereupon the President affixed his signature to said enrolled bill;

And it was delivered to the joint committee on enrolled bills, to be presented to His Excellency the Governor, for his approbation and signature.

Mr. Duzan, from the joint committee on enrolled bills, submitted the following report:

MR. PRESIDENT:

The committee on enrolled bills have compared the following enrolled with engrossed bills of the Senate, and have found the same correctly enrolled, to-wit:

No. 27. An act to revive and amend an act entitled, "An act to incorporate the Richmond and Boston turnpike company," approved February 15, 1839;

No. 116. An act to locate a State road in Randolph and Jay counties;

No. 75. An act to provide for erecting a bridge across Laughery creek, in Ripley county.

Message from the House of Representatives by Mr. Farquhar, their Clerk:

MR. PRESIDENT:

The Speaker of the House has signed the following enrolled bill thereof:

No. 280. An act to authorize a special term of the Henry circuit court;

Which I am directed to bring to the Senate for the signature of the President.

And thereupon the President affixed his signature to the said enrolled bill;

And it was delivered to the joint committee on enrolled bills, to be presented to His Excellency the Governor, for his approval and signature.

Mr. Chapman of Laporte moved to take from the table the report of the committee on corporations in relation to

No. 169. A bill to incorporate the Laporte county mutual insurance company;

Which was agreed to.

The Senate then refused to concur in the amendments of the committee; and,

On motion by Mr. Chapman of Laporte,

The rule of the Senate was suspended,

The bill read a third time, and passed.

Ordered, That the Secretary inform the House of the passage thereof, and ask their concurrence.

No. 150. A bill for the relief of the heirs and devisees of Francis Godfroy, deceased;

Was read a second time and ordered to be engrossed.

Mr. Ritchey moved to take from the table,

No. 182. A bill to provide for procuring a suitable site for the erection of a State Lunatic Asylum;

Which was agreed to.

Mr. Chapman of Laporte moved to amend the bill by striking out the word "three," as the term of service of the commissioners, and insert, in lieu thereof, the word "one."

Mr. Morgan of Rush moved to amend the amendment by striking out the word "one," and inserting, in lieu thereof, the word "two;"

Which was agreed to.

And the amendment was adopted.

Mr. Ritchey submitted the following amendment to the bill:

Amend the third section, by adding, after the word "lunatics," in the eighth line, the following, viz.:

"And should the said board of commissioners fail to obtain full and satisfactory information by means of this correspondence, they shall be authorized to depute one of their own number, or some other competent person, to visit the lunatic asylums of Massachusetts, Ohio, Pennsylvania, and New York, and ascertain the most approved plans for construction, with all the improvements which may be suggested by experience upon each and all of them."

Mr. Akin moved to lay the amendment upon the table;

Which was agreed to.

Mr. Read moved to strike out "six thousand," and insert, in lieu thereof, "four thousand;"

And the ayes and noes being desired by two Senators,

Those who voted in the affirmative are,

Messrs. Allison, Bowers, Buell of Dearborn, Chapman of Daviess, Davis, Duzan, Edmonson, Farmer, Hamer, Henry, Hodge, Hutton, Jackson, Kennedy, Lane, Leviston, Logan, Major, Miller, Morgan of Decatur, Pennington, Read, and Wood—23.

Those who voted in the negative are,

Messrs. Akin, Alexander, Berry, Bradbury, Buell of Warren, Carr, Chapman of Laporte, Coffin, Cotton, Defrees, Dole, Ewing, Herriman, Holloway, Jones, Moore, Morgan of Rush, Orth, Parks, Reyburn, Rippey, Ritchey, Rockhill, Stanford, Tannehill, and Todd—26.

So the proposed amendment was not agreed to.

Mr. Reyburn moved to amend as follows:

Insert in the appropriate place the following words:

"That said commissioners shall receive each, for their services, one dollar per day for each day they shall necessarily be employed;"

Which was not agreed to.

Mr. Defrees moved to suspend the rule of the Senate and read the bill a third time now;

The ayes and noes being desired by two Senators,

Those who voted in the affirmative are,

Messrs. Alexander, Allison, Berry, Bowers, Bradbury, Buell of Dearborn, Buell of Warren, Carr, Chapman of Daviess, Chapman of Laporte, Coffin, Cotton, Davis, Defrees, Dole, Duzan, Edmonson, Ewing, Henry, Hodge, Holloway, Hutton, Jackson, Jones, Kennedy, Leviston, Logan, Major, Moore, Morgan of Decatur, Morgan of Rush, Orth, Parks, Read, Reyburn, Rippey, Ritchey, Rockhill, Stanford, Tannehill, Todd, and Wood—42.

Those who voted in the negative are,

Messrs. Farmer, Hamer, Herriman, and Pennington—4.

So the rule of the Senate was suspended,

The bill read a third time, and passed.

Ordered, That the Secretary inform the House of the passage thereof, and ask their concurrence.

Message from the House of Representatives, by Mr. Farquhar, their Clerk:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the House have reciprocated the resolution of the Senate to proceed, on Wednesday next, at ten o'clock, A. M., to elect a Secretary of State to fill the vacancy of the present incumbent.

Ordered, That Mr. Lane and Mr. Stanford act as tellers on the part of the Senate.

On motion by Mr. Chapman of Laporte,

The Senate adjourned.

WEDNESDAY MORNING, JANUARY 1, 1845.

The Senate assembled.

The Journal of the preceding day was read.

Mr. Cotton presented the petition of J. B. Philips and others, citizens of the county of Perry, praying for the passage of an act authorizing the erection of another county seminary in said county;

Which was referred to the committee on education.

Mr. Orth presented the petition of James S. Hogeland, on the subject of the title to certain lots in the city of Lafayette, and the erection of a bridge across the Wabash and Erie canal;

Which was referred to the committee on canals and internal improvements.

Mr. Orth presented the petition of John Peters and others, citizens of the county of Tippecanoe, on the subject of the erection of a bridge across the Wabash and Erie canal;

Which was referred to a select committee.

Ordered, That the committee consist of Messrs. Orth, Todd, and Morgan of Rush.

Mr. Parks presented the petition of William A. Major and others, administrators of the estate of John Sims, of the county of Morgan, praying for the passage of an act to enable them to dispose of lands belonging to the estate of said Sims; which,

On motion by Mr. Parks,

Was referred to a select committee.

Ordered, That said committee be composed of Messrs. Parks, Chapman of Laporte, and Henry.

Mr. Akin presented the remonstrance of John T. Jackson and others, citizens of the counties of Greene and Sullivan, against the repeal of the law declaring Black creek, in the county of Greene, a navigable stream; which,

On motion by Mr. Akin,

Was ordered to lie upon the table.

Mr. Stanford, chairman of the committee on education, submitted the following report:

MR. PRESIDENT:

The committee on education, to whom was referred bill No. 165, of the Senate, "A bill for the relief of Benoni Stinson and George W. Miller, trustees of school district No. 4, in Vanderburgh county," have examined the provisions thereof, and have directed me to report the bill back to the Senate and recommend its passage.

Ordered, That the bill be engrossed.

On motion by Mr. Lane,
The rule of the Senate was suspended,
The bill read a third time, and passed.
Ordered, That the Secretary inform the House of Representatives thereof, and ask their concurrence.

Mr. Buell of Dearborn moved to take from the table the report of the committee on the State Bank, on the subject of the State stock in the Bedford Branch;

The ayes and noes being desired by two Senators,

Those who voted in the affirmative are,

Messrs. Akin, Berry, Bowers, Buell of Dearborn, Carr, Duzan, Edmonson, Henry, Herriman, Hutton, Jackson, Jones, Kennedy, Lane, Leviston, Logan, Major, Read, Reyburn, Rippey, Ritchey, Stanford, Tannehill, and Wood—24.

Those who voted in the negative are,

Messrs. Alexander, Allison, Bradbury, Buell of Warren, Chapman of Daviess, Chapman of Laporte, Coffin, Cotton, Defrees, Dole, Ewing, Farmer, Hamer, Hodge, Holloway, Miller, Moore, Morgan of Decatur, Morgan of Rush, Parks, Pennington, Rockhill, and Todd —23.

So the report was taken up.
Mr. Davis moved to postpone the further consideration of the report and resolution until Saturday next;
Pending the consideration of which, the following
Message from the House of Representatives, by Mr. Farquhar, their Clerk,
Was received:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the House has adopted the following resolution:
Resolved, That the Senate be invited to attend, *instanter*, in the Hall of the House of Representatives, to proceed to the election of a Secretary of State, to fill the vacancy to be created by the expiration of the term of service of the present incumbent; and that seats be provided on the right of the Speaker's chair.

And thereupon the Senate proceeded to the Hall of the House of Representatives; and having taken their seats as provided for them,
The Convention proceeded to ballot for a Secretary of State, in pursuance of the resolutions of the Senate and House of Representatives.

Upon counting the first ballot, it appeared that,

Stephen G. Dodge received	70 votes.
John H. Thompson received	55 votes.
John Dowling received	4 votes.
Spear S. Tipton received	4 votes.
Silas Colegrove received	2 votes.
Scattering,	5 votes.
Blank,	8 votes.

No one having received a majority of all the votes given, the Convention proceeded to ballot a second time; and upon counting the votes of the second ballot, it appeared that,

Stephen G. Dodge received	71 votes.
John H. Thompson received	56 votes.
William Sheets received	6 votes.
John Dowling received	4 votes.
Spear S. Tipton received	4 votes.
Scattering,	4 votes.
Blank,	3 votes.

No one having received a majority of all the votes given, the Convention proceeded to ballot a third time; and upon counting the votes of the third ballot, it appeared that,

Stephen G. Dodge received	70 votes.
John H. Thompson received	56 votes.
John Dowling received	5 votes.
Spear S. Tipton received	3 votes.
William Sheets received	2 votes.
Pratt Frink received	3 votes.
C. Blackledge received	3 votes.
Scattering,	6 votes.

No one having received a majority of all the votes given, the Convention proceeded to a fourth balloting; and upon counting the votes of the fourth ballot, it appeared that,

Stephen G. Dodge received	71 votes.
John H. Thompson received	54 votes.
William Sheets received	7 votes.
Spear S. Tipton received	4 votes.
John Dowling received	3 votes.
C. Blackledge received	6 votes.
Scattering,	2 votes.
Blank,	1 vote.

No one having received a majority of all the votes given, the Convention proceeded to ballot a fifth time; and upon counting the votes of the fifth ballot, it appeared that,

Stephen G. Dodge received	71 votes.
John H. Thompson received	55 votes.
John Dowling received	6 votes.
William Sheets received	4 votes.
Spear S. Tipton received	3 votes.
C. Blackledge received	4 votes.
Scattering,	4 votes.
Blank,	1 vote.

No person having received a majority of all the votes given,

The President declared the Convention adjourned until to-morrow morning ten o'clock.

The Senate then returned to their Chamber.

Leave having been obtained,

Mr. Chapman of Laporte submitted the following resolution:

Resolved, That the Senate now adjourn until to-morrow morning nine o'clock.

The ayes and noes being desired by two Senators,

Those who voted in the affirmative are,

Messrs. Akin, Berry, Buell of Dearborn, Carr, Chapman of Daviess, Chapman of Laporte, Coffin, Davis, Defrees, Dole, Duzan, Edmonson, Hamer, Herriman, Hodge, Holloway, Hutton, Jones, Kennedy, Major, Morgan of Decatur, Morgan of Rush, Ritchey, Rockhill, Tannehill, and Wood—26.

Those who voted in the negative are,

Messrs. Alexander, Allison, Bowers, Bradbury, Buell of Warren, Cotton, Ewing, Farmer, Goodenow, Henry, Jackson, Lane, Leviston, Logan, Miller, Moore, Orth, Parks, Pennington, Reyburn, Rippey, Stanford, and Todd—23.

So the Senate adjourned.

THURSDAY MORNING, JANUARY 2, 1845.

The Senate assembled.

The Journal of the preceding day was read.

Mr. Tannehill presented the petition of Jacob Snyder and others, members of the church of the United Brethren, commonly called Moravians, praying the passage of an act to legalize the acts of the trustees of said church, in the town of Hope, Bartholomew county, and to incorporate "The Church of the United Brethren or Moravians;"

Which was referred to a select committee.

Ordered, That said committee be composed of Messrs. Tannehill, Carr, and Wood.

Mr. Herriman presented the petition of Ebenezer Pierce and others, citizens of the county of Noble, praying for the passage of an act to abolish the office of congressional trustees in the township of Orange, in said county;

Which was referred to the committee on education.

Mr. Wood presented the petition of sundry citizens of Randolph county, praying for the passage of an act to confine voters to their own townships;

Which was ordered to lie upon the table.

Mr. Carr, from the committee on finance, submitted the following report:

MR. PRESIDENT:

The committee on finance, to whom was referred the petition of J. L. Jernegan and others, citizens of St. Joseph county, relative to the indebtedness of the State, and certain matters connected therewith, have, according to order, had the same under consideration, and have directed me to report that, inasmuch as the subject matter embraced in said petition is already before the Senate, in the form of a bill, the committee recommend that the petition lie upon the table.

Ordered, That the report of the committee be concurred in.

Mr. Stanford, chairman of the committee on education, submitted the following report:

MR. PRESIDENT:

The committee on education, to whom was referred a petition of sundry citizens of Perry county, asking for the passage of a special law, appropriating 500 dollars of the surplus revenue fund belonging to said county, heretofore set apart for common school purposes, to

build a county seminary in the town of Troy, in said county, have duly considered the same, and have directed me to report that, in their opinion, it would be injudicious to grant the prayer of the petitioners.

Ordered, That the report of the committee be concurred in.

Mr. Dole, on behalf of the majority of the committee on canals and internal improvements, submitted a report on the subject of the Wabash and Erie canal.

[For the report, see Documentary Journal.]

Mr. Ewing moved to lay the report upon the table;

Which was agreed to.

Leave being granted,

Mr. Defrees submitted the following resolution:

Resolved, That 500 copies of the report from the majority, and the same number of the report, hereafter to be made, of the minority, of the committee on canals and internal improvements, in relation to the Wabash and Erie canal, be ordered to be printed for the use of the Senate, and that the Public Printer be directed to stitch said reports in the same pamphlet.

Mr. Ewing moved to amend the resolution, so as to provide for printing, with the report, the 11th section of an act, entitled, "an act for the completion of the Wabash and Erie canal, from the mouth of Tippecanoe river to Terre Haute," approved January 1st, 1842, as follows:

Sec. 11. That it shall be the duty of the commissioner aforesaid, on the first Monday of May, in the year 1843, to place under contract, in one continuous line, commencing where the last contract terminated, the residue of said canal, not provided for being put under contract by the second section of this act, and in so doing, to be in all respects governed by the provisions of the said section of this act: *Provided, however*, That in the acceptance of the grant of said lands, on the part of Indiana, for the purposes specified in this act, it is the express understanding on the part of the State of Indiana, between the contracting parties, and it is hereby enacted that should said grant of lands not be sufficient to complete the construction of said canal and defray all other expenses connected therewith, the citizens of this State shall not be taxed, in any way or manner to make up the deficiency necessary to complete said canal, or any part thereof; any law that may hereafter be passed to the contrary notwithstanding: except, however, in the counties through which said canal may pass, who may by petition or otherwise, have a law passed, levying a tax on their citizens, from time to time, to make up any deficiency there may be, to finish such canal, after the proceeds of the grant of lands are exhausted in such construction.

Pending which motion,

The hour arrived to which the Convention, for the election of a Secretary of State, had adjourned,

And the Senate thereupon proceeded to the Hall of the House of Representatives to go into convention pursuant to adjournment.

The President on the right of the Speaker.

Upon counting the votes of the sixth ballot, it appeared that

John H. Thompson received - - - - -	72 votes.
Stephen G. Dodge received - - - - -	70 votes.
Scattering, - - - - - - - -	7 votes.

No one having received a majority of all the votes given, the Convention proceeded to ballot a seventh time.

And on counting the votes of the seventh ballot, it appeared that

John H. Thompson received - - - - -	70 votes.
George E. Tingle received - - - - -	69 votes.
Scattering, - - - - - - - -	10 votes.

No one of the candidates having received a majority of all the votes given, the Convention proceeded to an eighth balloting.

And upon counting the votes of the eighth ballot it appeared that

John H. Thompson received - - - - -	74 votes.
George E. Tingle received - - - - -	68 votes.
Scattering, - - - - - - - -	7 votes.

No one of the candidates having received a majority of all the votes given, the Convention proceeded to a ninth balloting.

And upon counting the votes of the ninth ballot, it appeared that

John H. Thompson received - - - - -	76 votes.
George E. Tingle received - - - - -	60 votes.
William Sheets received - - - - - -	8 votes.
Scattering, - - - - - - - -	5 votes.

John H. Thompson having received a majority of all the votes given, was declared by the President, duly elected Secretary of State for the term of four years from and next succeeding the 15th day of January instant.

The Senate then returned to their Chamber.

On motion by Mr. Buell of Dearborn,

The Senate adjourned.

2 o'clock, P. M.

The Senate assembled.

The Senate resumed the consideration of the amendment offered by Mr. Ewing, to the resolution of Mr. Defrees, authorizing the

printing of 500 copies of the report of the committee on canals and internal improvements.

Mr. Edmonson moved to amend the amendment, so as that the resolution shall provide only for 200 copies instead of 500.

Mr. Chapman of Laporte, moved a call of the Senate,

Which was ordered.

The Secretary proceeded to call the roll,

And reported the absentees; when,

On motion by Mr. Edmonson,

The further call of the Senate was suspended.

Mr. Ewing moved to lay the resolution and pending amendments upon the table.

The ayes and noes being desired by two Senators,

Those who voted in the affirmative are,

Messrs. Akin, Berry, Bowers, Bradbury, Carr, Cotton, Duzan, Edmonson, Ewing, Goodenow Henry, Hodge, Hutton, Kennedy, Leviston, Logan, Major, Miller, Moore, Morgan of Decatur, Morgan of Rush, Parks, Pennington, Read, Reyburn, Rippey, Ritchey, Rockhill, Stanford, Tannehill, and Wood—31.

Those who voted in the negative are,

Messrs. Alexander, Allison, Buell of Dearborn, Buell of Warren, Chapman of Daviess, Chapman of Laporte, Coffin, Davis, Defrees, Dole, Farmer, Hamer, Herriman, Holloway, Jackson, Lane, Orth, and Todd—18.

So it was ordered that the resolution and pending amendments lie upon the table.

Mr. Lane, chairman of the committee on claims, submitted the following report:

MR. PRESIDENT:

The committee on claims, to whom was referred the memorial of D. T. Yeakle, M. D., on the subject of the boatmen's infirmary, with the accompanying documents,

Have had the same under consideration, and a majority have directed me to report, the following joint resolution and recommend its passage:

No. 193. A joint resolution for the relief of David T. Yeakel and Elizur Deming;

Which was read and ordered to a second reading.

Mr. Parks, from the committee on agriculture, submitted the following report:

MR. PRESIDENT:

The committee on agriculture, to whom was referred a petition of John Ritchey and others, on the subject of partnership fences,

Have, according to order, had the same under consideration, and a majority have instructed me to report the following bill, and recommend its passage:

No. 194. A bill to provide for the dissolving of partnership fences;

Which was read, and ordered to a second reading.

Mr. Edmonson, chairman of the committee on corporations, submitted the following report:

MR. PRESIDENT:

The committee on corporations, to whom was referred bill of the Senate,

No. 192. Entitled, "a bill to establish a free turnpike road, in the county of Adams;"

Have had that subject under consideration, and have directed me to report the same back to the Senate without amendment, and recommend its passage.

Ordered, That the said bill be engrossed.

Mr. Edmonson, chairman of the committee on corporations, submitted the following report:

MR. PRESIDENT:

The committee on corporations, to whom was referred the petition of James Roberts and others, praying the incorporation of a company to build certain bridges in the county of Shelby, have duly considered the same, and have directed me to report the accompanying bill, and recommend its passage:

No. 195. A bill authorizing Joseph Quinn and James Norvell to erect toll bridges;

Which was read and ordered to a second reading.

Mr. Coffin, from the committee on corporations, submitted the following report:

MR. PRESIDENT:

The committee on corporations, to whom was referred bill No. 145, of the Senate, entitled, "A bill to amend an act to incorporate the Brothers of St. Joseph, at South Bend, St. Joseph county, Ind.," have had the same under consideration, and have directed me to report the same back to the Senate and recommend its indefinite postponment.

The ayes and noes being desired by two Senators,
On the question of concurring in the report of the committee:

Those who voted in the affirmative are,

Messrs. Alexander, Berry, Bowers, Bradbury, Buell of Dearborn, Carr, Chapman of Daviess, Duzan, Edmonson, Goodenow, Henry, Herriman, Hodge, Hutton, Jackson, Jones, Kennedy, Lane, Logan, Major, Moore, Parks, Pennington, Read, Rippey, Ritchey, Rockhill, Stanford, Tannehill, and Wood—31.

Those who voted in the negative are,

Messrs. Akin, Allison, Buell of Warren, Chapman of Laporte, Coffin, Cotton, Defrees, Dole, Ewing, Farmer, Hamer, Holloway, Leviston, Miller, Morgan of Decatur, Morgan of Rush, Orth, Reyburn, and Todd—19.

So the report of the committee was concurred in, and the further consideration of the said bill indefinitely postponed.

Mr. Coffin, from the committee on corporations, submitted the following report:

MR. PRESIDENT:

The committee on corporations, to which was referred bill No. 186, of the Senate, to incorporate the Noland's fork canal company, have had that subject under their consideration, and a majority of them have directed me to report it back, without amendment, and recommend its passage.

Mr. Berry moved to amend the bill by adding, as an additional section, the following words:

SEC. —. That no certificates of stock shall be issued by said company for a less amount than fifty dollars.

Upon which,

The ayes and noes being desired by two Senators,

Those who voted in the affirmative are,

Messrs. Akin, Berry, Buell of Dearborn, Carr, Chapman of Daviess, Chapman of Laporte, Duzan, Edmonson, Herriman, Hutton, Jackson, Jones, Logan, Major, Miller, Read, Rippey, Ritchey, Rockhill, and Wood—20.

Those who voted in the negative are,

Messrs. Alexander, Allison, Bowers, Bradbury, Buell of Warren, Coffin, Cotton, Davis, Defrees, Dole, Ewing, Farmer, Goodenow,

Henry, Hodge, Holloway, Kennedy, Lane, Leviston, Moore, Morgan of Decatur, Morgan of Rush, Orth, Parks, Pennington, Reyburn, Stanford, Tannehill, and Todd—29.

So the amendment was disagreed to.

Ordered, That said bill be engrossed.

Mr. Kennedy, from the committee on corporations, submitted the following report:

MR. PRESIDENT:

The committee on corporations, to which was referred bill of the Senate No. 144, entitled, "A bill to continue in force an act entitled, an act to incorporate the Brookville and Richmond canal company," approved February 17, 1838, have had the same under consideration, and directed me to report it back to the Senate, without amendment, and recommend its passage.

Ordered, That said bill be engrossed.

Mr. Berry, from the committee on corporations, submitted the following report:

MR. PRESIDENT:

The committee on corporations, to whom was referred bill of the Senate No. 181, entitled, "A bill to incorporate the Lafayette bridge company," have had it under consideration, and have directed me to report it back, with one amendment, upon the adoption of which they recommend its passage.

Amend by adding an additional section in the following words:

SEC. —. The General Assembly reserves the right to alter, amend, or repeal this charter, whenever the public good may require it.

Ordered, That the amendment of the committee be adopted, and the bill be engrossed.

On motion by Mr. Orth,
The rule of the Senate was suspended,
The bill considered as engrossed,
Read a third time, and passed.

Ordered, That the Secretary inform the House of the passage thereof, and ask their concurrence.

Mr. Berry, from the committee on corporations, submitted the following report:

MR. PRESIDENT:

The committee on corporations, to which was referred Senate bill No. 179, entitled, "A bill to incorporate the Silver creek bridge

company," have had that subject under consideration, and directed me to report it back to the Senate, with the following amendments, and, when concurred in, recommend its passage.

Amend section 6: Strike out the words "for footmen three cents," and add to the section: "*Provided*, That no toll shall be demanded of any person or persons going to or from funerals or religious meetings."

Amend section 8, by striking it out, and adding, in lieu thereof, the following words:

"At the expiration of ten years said bridge may revert to the State of Indiana, if said State will pay the company what the value of the work done and materials furnished by the company shall be. The value of such work done and materials furnished, to be ascertained by commissioners appointed by the Governor."

Mr. Davis moved to lay the report and bill upon the table;

Which was not agreed to.

The amendments of the committee were then concurred in, and the bill ordered to be engrossed.

Mr. Berry, from the committee on corporations, submitted the following report:

MR. PRESIDENT:

The committee on corporations, to whom was referred bill of the House No. 12, entitled, "A bill for the incorporation of the Philadelphia Industrial Association of St. Joseph county, Indiana," have had that subject under consideration, and have directed me to report it back to the Senate and recommend its passage, with the following amendments:

Amend section 4, by adding the following words:

"*Provided*, That no certificates of stock shall be issued for a less sum than fifty dollars; and no assignment of stock shall release the holder of said stock from the full payment of debts contracted whilst they held such stock; and should the officers of said association contract debts to a greater amount than that of stock actually paid in, they shall be liable to indictment, and upon conviction in any court of competent jurisdiction, to hard labor in the State Prison, for any term of years not less than two nor more than ten."

Amend section 6: Strike out "fifty" where it occurs, and insert "thirty."

Amend section 7: Strike out section 7, and insert the following:

"SEC. 7. The Legislature hereby reserves to itself the right, at any time, to alter, amend, or repeal this charter."

On motion by Mr. Edmonson,

Ordered, That the report and bill lie upon the table.

Mr. Parks, from a select committee, submitted the following report:

MR. PRESIDENT:

The select committee to whom was referred a memorial of Wm. A. Majors and others, administrators of the estate of John Sims, deceased, asking relief, have, according to order, had the same under consideration, and have directed me to report the following bill and recommend its passage:

No. 196. A bill for the relief of the administrators of John Sims, deceased, late of Morgan county, and for the benefit of the creditors of the said John Sims, deceased;

Which was read, and,

On motion by Mr. Parks,

The rule of the Senate was suspended,

The bill read a second and third times, and passed.

Ordered, That the Secretary inform the House of the passage thereof, and ask their concurrence.

Mr. Davis, from a select committee, submitted the following report:

MR. PRESIDENT:

The select committee to which was referred sundry petitions on the subject of the New Albany and Vincennes road, have had the same under consideration, and a majority of said committee have directed me to report the accompanying bill and recommend its passage:

No. 197. A bill to amend an act entitled, "An act to reduce the tolls on the New Albany and Vincennes road, and for other purposes," approved January 13, 1844;

Which was read and ordered to a second reading.

Mr. Ewing, from a select committee, submitted the following report:

MR. PRESIDENT:

The select committee to which was referred bill of the Senate No. 171, entitled, "A bill to encourage the killing of muskrats on the Wabash and Erie canal," have had it under consideration, and have directed me to report it back, with the following amendments, and upon their adoption, recommend its passage.

Add after the word "scalp," in the second line of the second section, the words "with the ears annexed," so as to read "scalps with the ears annexed." And after the word "the," in the fifth line, add

the words "banks of," so as to read "on the banks of the said," &c. Strike out so much of the proviso annexed to the third section as provides that "two ears shall" count, or "be taken for one scalp."

Ordered, That the amendments of the committee be concurred in.

The bill was then read a third time and passed.

Ordered, That the Secretary inform the House of Representatives thereof, and ask their concurrence.

Mr. Todd, from a select committee, submitted the following report:

MR. PRESIDENT:

The select committee to whom was referred a petition of sundry citizens of Johnson and Marion counties, on the subject of a re-charter of Greenwood academy, have had the same under consideration, and have directed me to report the following bill, and recommend its passage:

No. 198. A bill to revive an act incorporating the Greenwood education society;

Which was read and ordered to a second reading.

Mr. Todd submitted the following resolution:

Resolved, That the committee on roads be directed to inquire into the expediency of so amending the laws in relation to supervisors of roads and highways, as to authorize supervisors, when it may be necessary, to call on the county surveyors of their respective counties, to survey any line or lines, for the purpose of correcting any error in the location of any road or roads, which have been previously laid out, with leave to report by bill or otherwise;

Which was not agreed to.

On motion by Mr. Ritchey,

Resolved, That the Treasurer of State be directed to inform the Senate, what amount of scrip, bearing one-fourth of one per cent. interest, was issued under the act authorizing its issue; what amount of that scrip was given out in exchange for the fifty dollar treasury notes; and what amount there is now in the Treasury, which has not been exchanged for the fifty dollar treasury notes.

On motion by Mr. Dole,

Resolved, That the superintendent of the Wabash and Erie canal be required to inform the Senate whether the 260,047 5-100th acres of land mentioned in his annual report, as the number of acres of land sold, and unsold, is, as reported, all "that can in any event be made available for the construction of the Wabash and Erie canal," or whether, on the contrary, there is not some thirty-five or forty thousand acres yet due from the General Government, in lieu of lands that were pre-empted by settlers on canal lands heretofore selected; and also, whether a still further amount of lands are not due for the

increased distance of said canal, over and above that first measured, and if so, what measures, if any, have been taken to secure to the State the lands above described.

Mr. Allison submitted the following resolution:

Resolved, That the committee on education be instructed to inquire into the expediency of abolishing the office of school commissioner in the several counties in this State, and transfer the duties of the same to county treasurers;

Which was not agreed to.

Mr. Wood introduced,

No. 199. A bill to establish a free turnpike road in Jay county;

Which was read and ordered to a second reading.

Mr. Goodenow introduced,

No. 200. A bill for the relief of Alfred Mills and Mary his wife;

Which was read, and,

On motion by Mr. Goodenow,

The rule of the Senate was suspended,

The bill read a second time,

And referred to the committee on the judiciary.

Mr. Goodenow introduced

No. 201. A bill to extend the time of payment to purchasers of school lands;

Which was read, and,

On motion by Mr. Goodenow,

The rule of the Senate was suspended,

The bill read a second time,

And referred to the committee on education.

Mr. Hodge introduced,

No. 202. A bill for the relief of Elijah Rieves;

Which was read, and,

On motion by Mr. Hodge,

The rule of the Senate was suspended,

The bill read a second time,

And referred to the committee on the judiciary, with the accompanying petition.

Mr. Henry introduced,

No. 203. A bill amendatory of an act, entitled, an act for the relief of certain persons therein named, approved Feb. 6, 1843;

Which was read, and,

On motion by Mr. Henry,

The rule of the Senate was suspended,

The bill read a second time, and referred to the committee on education.

Leave being granted,

Mr. Pennington, from a select committee, submitted the following report:

MR. PRESIDENT:

The select committee, to whom was referred the petition of Lewis Brookshire and others, praying for certain relief therein named, have had it under consideration and have directed me to report the following bill, and recommend its passage:

No. 204. A bill for the relief of the purchasers of seminary lands in Monroe county;

Which was read.

On motion by Mr. Pennington,

The rule of the Senate was suspended,

And the bill read a second time.

Mr. Buell of Dearborn, introduced,

No. 205. A bill for the relief of Priscilla Lazenby and others;

Which was read.

On motion by Mr. Buell of Dearborn,

The rule of the Senate was suspended,

The bill read a second time, and referred to the committee on the judiciary.

Mr. Buell of Dearborn, introduced,

No. 206. A bill to amend an act to incorporate the town of Aurora;

Which was read.

On motion by Mr. Buell of Dearborn,

The rule of the Senate was suspended,

The bill read a second time, and referred to the committee on corporations.

Mr. Chapman of Laporte, introduced,

No. 207. A bill in addition to the ninth article of the thirtiet chapter of the Revised Statutes;

Which was read.

On motion by Mr. Chapman of Laporte,

The rule of the Senate was suspended.

The bill read a second time and referred to the committee on the judiciary.

Mr. Moore introduced,

No. 208. A bill to extend the terms of the Montgomery Probate courts;

Which was read.

On motion by Mr. Moore,

The rule of the Senate was suspended,

The bill read a second and third times and passed.

Ordered, That the Secretary inform the House of Representatives thereof, and ask their concurrence.

The President laid before the Senate the report of E. F. Lucas, general superintendent on the Wabash and Erie canal, in reply to a resolution of the Senate.

On motion by Mr. Edmonson,

Ordered, That said communication lie upon the table, and that 200 copies thereof be printed for the use of the Senate.

The President also laid before the Senate the following communication, from the same officer:

INDIANAPOLIS, *December* 31, 1844.

Gentlemen of the Senate:

Your communication of to-day, calling on me for information for the "amount received for water rents during the past year, at the town of Pittsburg, in Carroll county."

To that I have to reply, that I am not in possession of any facts that would throw much light on the subject, the power of leasing and collecting of water rents having been, by the late Revised Statutes, transferred to the Auditor, Treasurer, and Secretary of State. The Auditor, I presume, would be the proper officer to call upon for that information.

"Also, whether all the water leased at this point has been measured, and the holders called upon for the amount due the State for the use of such water power."

This is a subject upon which I can give, perhaps, some useful information.

The water, as I understand, has not, as yet, since the time of leasing, been measured. The reasons generally assigned at that place, as well as other places along the line, are, that they preferred some other person than Mr. Fisher to do it. The lessees at Pittsburg have made heavy complaints during the last year to me, and for my life I cannot arrive at the proper reason for their complaints. They have made frequent applications for an alteration in their leases; some complain that under the direction of the engineer they were induced to place their wheel improperly. Of that fact I have made some inquiry, and from the best information I have on the subject, I am inclined to the belief that each lessee placed his wheel just as he chose. Others have taken the liberty to put in different wheels from that of the contract. This is a matter that should be inquired into. The law provides for no regular engineer on that end of the line, hence I shall be under the necessity, whenever the Legislature shall direct, of employing one for the purpose of measuring water at that and other places along the line, so as to prevent any frauds that may be attempted on the part of lessees. The subject has become so much mixed that it is now a matter of great uncertainty who is the proper officer to call these delinquents, who are in arrears for water rents, to an account.

It is a matter that should not be suffered to pass unnoticed by the Legislature. The place of payment should be properly defined. When payments are permitted to be made at so many different

places, it is not at all times known whether payments have been made or not.

Any rules and regulations that may be committed to my care respecting water rents, I will take great pleasure in performing the duties thus assigned.

I have the honor to be, very respectfully,

Your obedient servant,

E. F. LUCAS,

General Superintendent Wabash and Erie Canal.

Message from the House of Representatives by Mr. Farquhar, their Clerk:

MR. PRESIDENT:

I am directed by the House of Representatives, to inform the Senate, that the House has passed, without amendment, the following engrossed bill of the Senate, to-wit:

No. 20. An act to authorize the board of commissioners of Marion county to settle with John Elder, late surplus revenue agent, and for other purposes.

House bill,

No. 35. A bill to authorize Ruell Starr to erect a mill dam across the Calumet river;

Was read, and,

On motion by Mr. Chapman of Laporte,

The rule of the Senate was suspended,

The bill read a second and third times, and passed.

Ordered, That the Secretary inform the House thereof.

House bill,

No. 38. A bill to authorize the board of commissioners of Bartholomew county to build a bridge across the Driftwood fork of White river, at the town of Columbus, in said county;

Was read, and,

On motion by Mr. Tannehill,

The rule of the Senate was suspended, the bill read a second time, and referred to a select committee.

Ordered, That said committee consist of Messrs. Tannehill, Carr, and Wood.

House bill,

No. 54. A bill to authorize Daniel C. Shannon to erect a mill dam across the Mississinewa river;

Was read and ordered to a second reading.

House bill,

No. 51. A bill to legalize the election of trustees of the Enon Church of General Baptists, in Gibson county;

Was read, and,

On motion by Mr. Carr,

The rule of the Senate was suspended,

The bill read a second and third times, and passed.

Ordered, That the Secretary inform the House of Representatives thereof.

House bill,

No. 71. A bill limiting the fees of sheriff for extra services in the county of Marshall;

Was read and ordered to a second reading.

House bill,

No. 33. A bill to amend an act providing for the election of a school commissioner in Russell township, in the county of Putnam;

Was read, and,

On motion by Mr. Hutton,

The rule of the Senate was suspended,

The bill read a second and third times, and passed.

Ordered, That the Secretary inform the House of Representatives thereof.

Message from the House, by Mr. Farquhar, their Clerk:

MR. PRESIDENT:

The House of Representatives has passed the following engrossed bill thereof, entitled:

No. 196. An act to incorporate the Union Literary Society of South Hanover College;

In which I am directed to respectfully ask the concurrence of the Senate.

House bill No. 196, contained in the foregoing message,

Was read, and,

On motion by Mr. Goodenow,

The rule of the Senate was suspended,

The bill read a second and third times, and passed.

Ordered, That the Secretary inform the House of Representatives thereof.

Message from the House of Representatives, by Mr. Farquhar, their Clerk:

MR. PRESIDENT:

The House of Representatives has passed an engrossed bill thereof entitled:

No. 100. An act to amend an act entitled, "An act authorizing the commissioners of the Wabash and Erie canal east and west of Tippecanoe to sell lands in tracts of forty acres, or quarter quarter sections;

In which I am directed to respectfully ask the concurrence of the Senate.

House bill, No. 100, contained in the foregoing message,
Was read, and,
On motion by Mr. Orth,
The rule of the Senate was suspended, the bill read a second time, and,
On motion by Mr. Buell of Dearborn,
Referred to the committee on canals and internal improvements.

Message from the House of Representatives, by Mr. Farquhar, their Clerk:

MR. PRESIDENT:

The House of Representatives have passed engrossed bills thereof entitled as follows:

No. 83. An act to authorize plaintiffs to collect the bid of purchasers at sheriffs' and constables' sales, and to repeal the 429th section of the 40th chapter of the Revised Statutes of 1843;

No. 99. An act to amend the 15th chapter of the Revised Statutes of 1843;

No. 282. An act for the relief of the heirs of Hezekiah B. Lacket and Sarah Yandal;

No. 283. An act to relocate the county seat of Martin county;

In which several bills the concurrence of the Senate is respectfully requested.

House bill No. 83, contained in the foregoing message,
Was read, and,
On motion by Mr. Defrees,
The rule of the Senate was suspended, the bill read a second time, and,
On motion by Mr. Orth,
Referred to the committee on the judiciary.
House bill No. 99, contained in the foregoing message,
Was read, and,
On motion by Mr. Chapman of Laporte,
The rule of the Senate was suspended, the bill read a second time, and referred to the committee on the judiciary.
House bill No. 282, contained in the foregoing message,
Was read, and,
On motion by Mr. Pennington,
The rule of the Senate was suspended,
The bill read a second and third times, and passed.
Ordered, That the Secretary inform the House of Representatives thereof.

House bill No. 283, contained in the foregoing message,
Was read, and,
On motion by Mr. Herriman,
The rule of the Senate was suspended, the bill read a second time, and,
On motion by Mr. Chapman of Daviess,
Was referred to a select committee.
Ordered, That said committee consist of Messrs. Chapman of Daviess, Defrees, and Morgan of Decatur.
Message from the House by Mr. Farquhar, their Clerk:

MR. PRESIDENT:

The House of Representatives have passed without amendment, engrossed bills of the Senate, of the following titles, viz:

No. 88. An act for the relief of the estate of Samuel Lewis, late of Allen county, deceased;

No. 110. An act in relation to a State road in Parke and Vermillion counties;

No. 112. An act to incorporate the proprietors of the Lawrenceburgh cemetery;

No. 117. An act to authorize the county commissioners of Floyd county to employ a physician to attend the poor of said county;

No. 122. An act to revive part of an act therein named, in the county of Ripley;

No. 131. An act to provide for the payment of the members and officers of the present General Assembly;

No. 134. An act to amend the act to establish a levee from the town of Vincennes, through the lower prairie, near the Wabash river, to the Grand coulee, approved February 2, 1833;

No. 136. An act repealing a certain act therein named;

No. 154. An act to amend an act, entitled, "an act regulating the time of holding courts in the county of Tippecanoe," approved January 15, 1844;

No. 166. An act to incorporate the Lawrenceburgh seminary of learning in the county of Dearborn;

The House have also passed engrossed bills thereof, entitled as follows, viz:

No. 228. An act to re-locate a part of the Indianapolis and Lafayette State road, in the county of Boone;

No. 261. An act to vacate a part of a certain State road in the county of Wayne;

No. 268. An act to locate a State road in the counties of Vermillion and Vigo;

No. 275. An act to amend the 7th article of the 13th chapter of the Revised Statutes;

No. 277. An act declaring a road in Tippecanoe county a State road;

Also, the following joint resolution, entitled,

No. 272. A joint resolution in relation to a law of the State of New York, permitting a drawback upon salt, of her manufacture, introduced within this State.

In which several bills and joint resolution the concurrence of the Senate is respectfully requested.

House bill, No. 228, contained in the foregoing message, was read, and,

On motion by Mr. Duzan,

The rule of the Senate was suspended,

And the bill read a second time.

Mr. Duzan moved to lay the bill upon the table.

The ayes and noes being desired by two Senators,

Those who voted in the affirmative are,

Messrs. Berry, Buell of Dearborn, Carr, Chapman of Daviess, Chapman of Laporte, Duzan, Edmonson, Herriman, Hutton, Jackson, Jones, Kennedy, Lane, Leviston, Logan, Major, Miller, Morgan of Decatur, Parks, Pennington, Rippey, Ritchey, Rockhill, Tannehill, and Wood—25.

Those who voted in the negative are,

Messrs. Allison, Bowers, Bradbury, Buell of Warren, Dole, Goodenow, Hamer, Henry, Hodge, Holloway, Moore, Morgan of Rush, Orth, Reyburn, Stanford, and Todd—16.

So it was ordered that the bill lie upon the table.

Mr. Duzan asked, and obtained leave, to present various petitions and remonstrances, on the subject of said bill;

Which were ordered to lie upon the table.

Mr. Orth asked, and obtained leave, to present a petition on the same subject;

Which was ordered to lie upon the table.

House bill,

No. 261. A bill to vacate a part of a certain State road in the county of Wayne;

Contained in the foregoing message,

Was read and ordered to a second reading.

House bill,

No. 268, contained in the foregoing message, was read, and,

On motion by Mr. Dole,

The rule of the Senate was suspended,

The bill read a second time, and referred to a select committee.

Ordered, That said committee consist of Messrs. Dole, Ritchey, and Morgan of Rush.

House bill,

No. 275, contained in the foregoing message, was read, and,

On motion by Mr. Hamer,

The rule of the Senate was suspended,

The bill read a second time, and referred to a select committee.

Ordered, That the committee consist of Messrs. Hamer, Chapman of Laporte, and Morgan of Rush.

House bill,

No. 277, contained in the foregoing message, was read, and,

On motion by Mr. Orth,

The rule of the Senate was suspended,

The bill read a second and third times, and passed.

Ordered, That the Secretary inform the House thereof.

Joint resolution of the House,

No. 272. A joint resolution in relation to a law of the State of New York, permitting a drawback upon salt of her manufacture, introduced within this State; was read, and,

On motion by Mr. Orth,

The rule of the Senate was suspended,

The bill was read a second time, and ordered to a third reading.

Message from the House of Representatives, by Mr. Farquhar, their clerk:

MR. PRESIDENT:

The House of Representatives have passed engrossed bills of the Senate, entitled,

No. 27. An act to revive and amend an act, entitled, "an act to incorporate the Richmond and Boston turnpike company," approved February 15, 1839;

No. 75. An act to provide for erecting a bridge across Laughery creek, in Ripley county;

The House have also passed engrossed bills of the House, entitled,

No. 64. An act to authorize the sale of school section in town 4, range 10, in Jefferson county;

No. 65. An act to incorporate the Terre Haute draw bridge company;

No. 69. An act for the relief of Ann Mathews;

No. 70. An act to authorize William Jones and Harvey Hoover to construct a dam across the Wabash river;

No. 72. An act to confine voters to their respective townships;

No. 74. An act to authorize Abraham J. Hostetter to sell and convey certain real estate;

No. 76. An act to change the name of Susannah Poe to Susannah Cundale;

No. 84. An act to regulate the fees of county treasurers, for receiving and expending the county seminary fund;

No. 85. An act to vacate a State road therein named;

No. 86. An act to authorize George French to construct a dam across the Wabash river;

No. 88. An act to amend an act, entitled, "an act to incorporate the town of Columbus, in the county of Bartholomew, Indiana," approved February 6, 1839, and for other purposes;

No. 89. An act to extend the term of the sessions of the board of commissioners of Bartholomew county, and other purposes;

No. 90. An act providing for the location of a State road in the counties of Kosciusko and Marshall;

No. 92. An act authorizing the auditor of Vanderburgh and Gibson counties to call the boards of commissioners together to hold special sessions in said counties;

No. 101. An act to change the mode of doing county business in the county of Crawford;

No. 710. An act to more properly define the boundaries of Dearborn county;

No. 108. An act to amend an act for the protection of wild fruit growing on public lands;

No. 112. An act regulating elections of supervisors of roads and highways in the counties of Dekalb and Steuben;

No. 113. An act to authorize an additional place of holding elections in Reding township, Jackson county;

No. 114. An act to authorize the borrowers of the congressional township fund to secure their loans by lands within the proper congressional townships;

No. 118. An act legalizing special sessions of the board of commissioners in the county of Daviess;

No. 119. An act to amend an act entitled, "An act to amend an act to incorporate the Vevay and Napoleon and other turnpike companies, approved February 8, 1836," approved January 15, 1844;

No. 121. An act in relation to penalties upon county commissioners;

No. 122. An act to locate a State road therein named, and for other purposes;

No. 126. An act to abolish the office of county auditor in the county of Orange;

No. 128. An act to amend an act entitled, "An act to incorporate the Warren county canal company," approved January 15, 1844;

No. 129. An act to change the name of Anna Maria Schmoll;

Also, the following engrossed joint resolution thereof, entitled,

No. 97. A joint resolution on the subject of the Cumberland road and the harbor at Michigan City;

In which several bills and joint resolution the concurrence of the Senate is respectfully requested.

House bill,

No. 64. A bill to authorize the sale of school section in town. 4, range 10, in Jefferson county,

Contained in the foregoing message,

Was read and ordered to a second reading.

House bill,

No. 65. A bill to incorporate the Terre Haute draw-bridge company,

Contained in the foregoing message,

Was read, and,

On motion by Mr. Orth,

The rule of the Senate was suspended, the bill read a second time, and referred to the committee on corporations.

House bill,

No. 69. A bill for the relief of Ann Matthews,

Contained in the foregoing message,

Was read, and,

On motion by Mr. Parks,

The rule of the Senate was suspended, the bill read a second time, and referred to the committee on the judiciary.

House bill,

No. 70. A bill to authorize William Jones and Harvey Hoover to construct a dam across the Wabash river,

Contained in the foregoing message,

Was read, and,

On motion by Mr. Ewing,

The rule of the Senate was suspended and the bill read a second time.

Mr. Ewing moved to indefinitely postpone the further consideration of the bill.

The ayes and noes being desired by two Senators,

Those who voted in the affirmative are,

Messrs. Allison, Bowers, and Ewing—3.

Those who voted in the negative are,

Messrs. Alexander, Berry, Bradbury, Buell of Dearborn, Buell of Warren, Carr, Chapman of Daviess, Chapman of Laporte, Coffin, Cotton, Davis, Defrees, Dole, Duzan, Edmonson, Farmer, Goodenow, Hamer, Henry, Herriman, Hodge, Holloway, Hutton, Jackson, Jones, Kennedy, Lane, Leviston, Logan, Major, Miller, Moore, Morgan of Decatur, Morgan of Rush, Orth, Parks, Pennington, Read, Reyburn, Rippey, Ritchey, Rockhill, Stanford, Tannehill, Todd, and Wood—46.

So the further consideration of the bill was not indefinitely postponed.

Ordered, That the bill be read a third time.

On motion by Mr. Read,

The Senate adjourned.

FRIDAY MORNING, JANUARY 3, 1845.

The Senate assembled.

The Journal of the preceding day was read.

Mr. Read moved to suspend the order of business to enable him to move a reconsideration of the vote of the Senate on the passage of,

No. 121. A bill further to extend to the State Bank of Indiana the privilege of issuing notes of a less denomination than five dollars;

Which was agreed to.

Mr. Edmonson moved a call of the Senate;

Which was ordered.

The Secretary proceeded to call the roll, and reported one Senator absent; when,

On motion by Mr. Parks,

The further call of the Senate was suspended.

Mr. Pennington called for the previous question;

Which was seconded by the Senate.

And on the question,

"Shall the main question be now put?"

It was decided in the affirmative.

So it was

Ordered, That the main question be now put.

The main question being on the motion to reconsider the vote of the Senate passing the said bill,

The ayes and noes were desired by two Senators.

Those who voted in the affirmative are,

Messrs. Berry, Carr, Chapman of Daviess, Chapman of Laporte, Duzan, Edmonson, Herriman, Hutton, Jackson, Jones, Kennedy, Lane, Leviston, Major, Miller, Read, Rippey, Ritchey, and Wood —19.

Those who voted in the negative are,

Messrs. Akin, Alexander, Allison, Bowers, Bradbury, Buell of Dearborn, Buell of Warren, Coffin, Cotton, Davis, Defrees, Dole, Ewing, Farmer, Goodenow, Hamer, Henry, Hodge, Holloway, Logan, Moore, Morgan of Decatur, Morgan of Rush, Orth, Parks, Pennington, Reyburn, Rockhill, Stanford, Tannehill, and Todd—31.

So the vote was not reconsidered.

Mr. Reyburn presented the petition of George B. Walker and others, citizens of the city of Logansport, praying for the passage of an act for the suspension of the charter of said city perpetually;

Which was referred to a select committee.

Ordered, That said committee be composed of Messrs. Reyburn, Hodge, and Hutton.

Mr. Leviston presented the petition of John Jones and others, subscribers of stock in the Cambridge City and Venice turnpike company, asking an amendment to their charter;

Which was referred to a select committee.

Ordered, That the committee consist of Messrs. Leviston, Bradbury, and Holloway.

Mr. Pennington presented the petition of R. Thompson, of the county of Harrison, praying for relief;

Which was referred to the committee on education.

Mr. Chapman of Laporte moved to suspend the order of business to take from the files House bill,

No. 72. A bill to provide for confining voters to their own township;

Which was agreed to.

The bill was then read, and,

On motion by Mr. Chapman of Laporte,

The rule of the Senate was suspended, the bill read a second time, and referred to the judiciary committee.

Mr. Farmer presented the petition of John and Samuel Mathers, of the county of Monroe, asking for relief;

Which was referred to the committee on education.

Mr. Moore presented the remonstrance of sundry citizens of the county of Montgomery, against detaching any part of said county for the purpose of forming a new county;

Which was ordered to lie upon the table.

Mr. Herriman presented the petition of Aaron Wood and others, citizens of the county of Noble, praying for the passage of an act in relation to the selection of jurors in Noble county;

Which was referred to the committee on the judiciary.

Mr. Bradbury presented the petition of C. B. Jackson and others, praying for an act of incorporation to construct a turnpike road as therein described;

Which was referred to a select committee.

Ordered, That said committee consist of Messrs. Bradbury, Hodge, and Stanford.

Mr. Ritchey presented the memorial of Jas. H. Johnston, Edmund O. Hovey, and Alexander Thompson, prudential committee of the board of trustees of Wabash College, asking for relief;

Which was referred to the committee on education.

Mr. Miller presented the petition of John Barker and others, citizens of the counties of Orange and Lawrence, on the subject of a State road therein named;

Which was ordered to lie upon the table.

Mr. Ritchey, chairman of the committee on finance, submitted the following report:

MR. PRESIDENT:

The committee on finance, to whom was referred a resolution of the Senate, referring so much of the Governor's message, as relates to the appointment of one or more commissioners, to receive any communications that may be made by the holders of our State bonds, having examined the subject with due care and deliberation, have directed me to report the following bill, and recommend its passage:

No. 209. A bill in relation to the public debt;
Which was read.
On motion by Mr. Ritchey,
The rule of the Senate was suspended,
The bill read a second time, and,
On motion by Mr. Chapman of Laporte,
Was ordered to lie on the table.
Mr. Ritchey, chairman of the committee on finance, submitted the following report:

MR. PRESIDENT:

The committee on finance, to whom was referred a bill of the House of Representatives,
No. 58. Entitled, "a bill to repeal a part of sec. 56, chapter 12, of the Revised Statutes of 1843;"
Have examined the subject, and after due deliberation a majority of the committee have directed me to report the bill back to the Senate, and recommend its indefinite postponement.
The ayes and noes being desired by two Senators,
Upon concurring in the report of the committee,

Those who voted in the affirmative are,

Messrs. Akin, Alexander, Buell of Dearborn, Buell of Warren, Carr, Chapman of Laporte, Davis, Defrees, Dole, Goodenow, Hamer, Hodge, Jones, Logan, Morgan of Decatur, Morgan of Rush, Orth, Read, Ritchey, Stanford, and Todd—21.

Those who voted in the negative are,

Messrs. Allison, Bowers, Bradbury, Chapman of Daviess, Coffin, Cotton, Duzan, Edmonson, Ewing, Farmer, Henry, Herriman, Holloway, Jackson, Kennedy, Lane, Leviston, Major, Miller, Moore, Parks, Pennington, Reyburn, Rippey, Rockhill, Tannehill, and Wood—27.

So the report of the committee was not concurred in.
Mr. Pennington moved to suspend the rule of the Senate,

And read the bill a third time now.
The ayes and noes being desired by two Senators,

Those who voted in the affirmative are,

Messrs. Allison, Bowers, Bradbury, Chapman of Daviess, Cotton, Duzan, Ewing, Farmer, Henry, Holloway, Kennedy, Major, Miller, Pennington, Reyburn, Rippey, Rockhill, Tannehill, and Wood—19.

Those who voted in the negative are,

Messrs. Akin, Alexander, Buell of Dearborn, Buell of Warren, Carr, Chapman of Laporte, Coffin, Davis, Defrees, Dole, Edmonson, Goodenow, Hamer, Herriman, Hodge, Jackson, Jones, Lane, Leviston, Logan, Moore, Morgan of Decatur, Morgan of Rush, Orth, Parks, Read, Ritchey, Stanford, and Todd—29.

So the rule was not suspended.
Mr. Chapman of Laporte, moved to refer the bill to the judiciary committee.
Mr. Hamer moved to add the following instructions;
"To so amend the bill, as to provide for refunding the penalty of five per cent. to all those who have heretofore paid it, or that may have paid it before the taking effect of this bill."
Mr. Chapman of Laporte, called for a division of the question.
And the question being on referring to the committee on the judiciary,
The ayes and noes were desired by two Senators,
And were as follows:

Those who voted in the affirmative are,

Messrs. Alexander, Buell of Dearborn, Buell of Warren, Carr, Chapman of Laporte, Coffin, Davis, Defrees, Dole, Goodenow, Hamer, Jones, Lane, Logan, Morgan of Decatur, Morgan of Rush, Orth, Read, Ritchey, Stanford, and Todd—21.

Those who voted in the negative are,

Messrs. Akin, Allison, Bowers, Bradbury, Chapman of Daviess, Duzan, Edmonson, Ewing, Farmer, Henry, Herriman, Holloway, Hutton, Jackson, Kennedy, Leviston, Major, Miller, Moore, Parks, Pennington, Reyburn, Rippey, Rockhill, Tannehill, and Wood—26.

So the motion to refer was disagreed to.
Mr. Hamer moved to amend the bill, by adding the following words:
"And the said five per cent. penalty heretofore paid, or hereafter paid by any person, before this act takes effect, shall be refunded."
Mr. Lane moved to lay the amendment on the table.

The ayes and noes being desired by two Senators,

Those who voted in the affirmative are,

Messrs. Akin, Allison, Bowers, Bradbury, Buell of Warren, Chapman of Daviess, Coffin, Duzan, Edmonson, Ewing, Farmer, Herriman, Holloway, Hutton, Jackson, Kennedy, Lane, Major, Miller, Moore, Parks, Pennington, Read, Reyburn, Rippey, Rockhill, Tannehill, and Wood—28.

Those who voted in the negative are,

Messrs. Alexander, Buell of Dearborn, Carr, Chapman of Laporte, Davis, Defrees, Dole, Goodenow, Hamer, Henry, Hodge, Jones, Leviston, Logan, Morgan of Decatur, Morgan of Rush, Orth, Ritchey, Stanford, and Todd—20.

So the amendment was ordered to lie upon the table.

On motion by Mr. Read,

The Senate adjourned.

2 *o'clock, P. M.*

The Senate assembled.

The Senate resumed the consideration of bill No. 58.

Mr. Chapman of Laporte, moved a call of the Senate,

Which was ordered.

The Secretary proceeded to call the roll, and reported the absentees.

On motion by Mr. Chapman of Laporte,

The absentees were sent for.

On motion by Mr. Berry,

The further call of the Senate was suspended.

Mr. Todd submitted the following, as an amendment to the bill: "and that the penalties and per centage for delinquent taxes for the years 1839 and 1840, excepting the amount of eleven per cent. on said delinquencies, be, and the same are hereby remitted."

Mr. Pennington moved the previous question,

Which was seconded by the Senate.

And, on the question, "Shall the main question be now put?"

It was decided in the affirmative.

The main question being, on ordering the bill to a third reading,

The ayes and noes were desired by two Senators,

And were as follows:

Those who voted in the affirmative are,

Messrs. Allison, Bowers, Bradbury, Chapman of Daviess, Coffin, Cotton, Duzan, Edmonson, Ewing, Farmer, Henry, Herriman, Holloway, Hutton, Jackson, Kennedy, Lane, Major, Miller, Pennington, Reyburn, Rippey, Rockhill, Tannehill, and Todd—25.

Those who voted in the negative are,

Messrs. Akin, Alexander, Berry, Buell of Dearborn, Buell of Warren, Carr, Chapman of Laporte, Davis, Defrees, Dole, Goodenow, Hamer, Hodge, Leviston, Logan, Moore, Morgan of Decatur, Morgan of Rush, Orth, Parks, Read, Ritchey, Stanford, and Wood—24.

So the bill was ordered to a third reading.

Mr. Ritchey, chairman of the committee on finance, submitted the following report:

MR. PRESIDENT:

The committee on finance, to whom was referred bill of the Senate,

No. 151. Entitled, "a bill to extend the time for collecting taxes in the county of Clinton for the year 1844;"

Have examined the subject, and however anxious they may feel to extend relief to the suffering and unfortunate, they feel constrained to say, they think it decidedly impolitic to interfere with the revenue laws of the State in particular counties, while there are others equally unfortunate, and where it would be impossible to extend similar relief to all, have directed me to report the bill back to the Senate, and recommend its indefinite postponement:

Ordered, That the report of the committee be concurred in,

And the further consideration of the bill be indefinitely postponed.

Mr. Ritchey, chairman of the committee on finance, submitted the following report:

MR. PRESIDENT:

The committee on finance, to whom was referred a bill of the Senate, No. 113, entitled, "A bill in relation to the kind of funds receivable for tolls and water rents on the Wabash and Erie canal," have examined the same, and propose the following amendment thereto, viz.:

Strike out the bill from its enacting clause, and insert the following in lieu thereof; and when so amended, the committee recommend its passage:

"That all tolls, transit duties, and water rents chargeable upon the

Wabash and Erie canal, shall be receivable in cash or other par funds, from and after the first day of September next.

SEC. 2. All laws and parts of laws contravening the provisions of this act, are hereby repealed.

SEC. 3. This act to take effect and be in force from and after its passage.

Mr. Herriman called for a division of the question.

And the question being,

"Will the Senate strike out?"

It was decided in the affirmative.

Mr. Coffin moved to concur in the amendment reported by the committee, with the following amendment:

Strike out all after the word "all," in the first section, and insert, in lieu thereof, the following words:

"Lands heretofore donated by the General Government to aid in the construction of the Wabash and Erie canal, together with all unappropriated scrip issued thereon, as well as all unpaid balances due and to fall due on lands sold, be, and the same are hereby constituted and declared to be one common fund, and appropriated to the completion of said canal to Terre Haute.

"SEC. 2. It is hereby made the duty of the Treasurer of State, hereafter to issue scrip of the denomination of five dollars, as the same may be required for the construction of said canal, for repairs, and for all contingent expenses connected therewith, to such an amount as may be necessary for said purposes, under the restrictions provided in the act to which this is an amendment: *Provided, however*, That the scrip so issued shall not exceed the aggregate amount of the unsold lands aforesaid. Said scrip shall be signed by said Treasurer, numbered and registered as is provided in the act to which this is an amendment, shall be without interest, and shall be receivable for all lands and dues upon lands, as well those east as west of Tippecanoe river.

"SEC. 3. The lands heretofore appropriated to the construction and repairs of the canal east of the Tippecanoe river shall remain as heretofore, subject to sale and entry at the land office at Peru, and the lands appropriated to the construction of that part of the canal west of Tippecanoe river shall, as heretofore, remain subject to entry and sale at the land office at Delphi.

"SEC. 4. After the first day of December next, all tolls, water rents, and transit dues, shall be collected in current par funds, and twenty-five per centum in addition to the tolls now collected by law shall be, and the same is hereby fixed as the rate of tolls hereafter to be collected on said canal.

"SEC. 5. It is hereby made the duty of the Superintendent in charge of said work, in all cases where contracts heretofore made have been abandoned by the contractors, or taken out of their hands, to re-let the same to the lowest responsible bidder, giving at least thirty days' notice of the time and place of such re-letting, provided

that no bid shall be received which shall exceed twenty per cent. above the original estimates on such work; and it shall not be lawful for said Superintendent to construct, on account of the State, any portion of said canal heretofore placed under contract, and so as aforesaid abandoned by the contractors, but it is hereby made his duty to dismiss all persons now in any way employed as agents or laborers upon such abandoned contracts, and should any contractor or contractors upon said work hereafter abandon his or their contract, it shall be the duty of the said Superintendent to re-let the same under the same regulations and restrictions as the contract so abandoned was taken.

"SEC. —. That all acts and parts of acts which conflict with the provisions of this act, be, and the same are hereby repealed."

Also, to amend the title of the bill, by striking out all after the word "bill," and insert the following words:

"To amend an act for the completion of the Wabash and Erie canal from the mouth of Tippecanoe river to Terre Haute, approved January 1, 1842."

Mr. Chapman of Laporte moved to lay the report, bill, and amendments on the table;

The ayes and noes being desired by two Senators,

Those who voted in the affirmative are,

Messrs. Alexander, Allison, Bradbury, Buell of Dearborn, Buell of Warren, Chapman of Daviess, Chapman of Laporte, Coffin, Cotton, Davis, Defrees, Dole, Edmonson, Farmer, Goodenow, Hamer, Herriman, Holloway, Hutton, Jackson, Jones, Kennedy, Lane, Miller Moore, Orth, Pennington, Rockhill, and Todd—29.

Those who voted in the negative are,

Messrs. Berry, Bowers, Carr, Duzan, Ewing, Henry, Hodge, Leviston, Logan, Major, Morgan of Decatur, Morgan of Rush, Parks, Read, Reyburn, Rippey, Ritchey, Stanford, Tannehill, and Wood—20.

So it was ordered that the report and bill, with the pending amendments, lie upon the table.

Leave being granted,

Mr. Lane introduced,

No. 210. A bill to extend the time of payment to the purchasers of school lands in Vanderburgh county;

Which was read, and,

On motion by Mr. Lane,

The rule of the Senate was suspended, the bill read a second time, and referred to the committee on education, with instructions to make the provisions of the bill general.

Leave being granted,
Mr. Todd introduced,
No. 211. A joint resolution in relation to a suitable building for the public offices;
Which was read, and,
On motion by Mr. Todd,
The rule of the Senate was suspended, the bill read a second time, and referred to the committee on the affairs of the town of Indianapolis.
House bill,
No. 74. A bill to authorize Abraham J. Hostetter to sell and convey certain real estate;
Was read and ordered to a second reading.
House bill,
No. 76. A bill to change the name of Susannah Poe to Susannah Cundale;
Was read and ordered to a second reading.
House bill,
No. 84. A bill to regulate the fees of county treasurers for receiving and expending the county seminary fund;
Was read, and,
On motion by Mr. Chapman of Laporte,
The rule of the Sennte was suspended, the bill read a second time, and ordered to a third reading.
House bill,
No. 85. A bill to repeal an act entitled, "An act to lay out and open a State road in the counties of Dearborn and Ripley," approved February 1, 1834;
Was read and ordered to a second reading.
House bill,
No. 86. A bill to authorize George French to construct a mill dam across the Wabash river;
Was read, and,
On motion by Mr. Chapman of Laporte,
The rule of the Senate was suspended, the bill read a second time, and ordered to a third reading.
House bill,
No. 88. A bill to amend an act, entitled, an act to incorporate the town of Columbus, in the county of Bartholomew, Indiana, approved February 6, 1839, and for other purposes;
Was read, and,
On motion by Mr. Tannehill,
The rule of the Senate was suspended, the bill read a second time, and referred to a select committee.
Ordered, That said committee be composed of Messrs. Tannehill, Carr, and Wood.
House bill,

No. 89. A bill to extend the time of the sessions of the board of commissioners of Bartholomew county, and for other purposes;
Was read and ordered to a second reading.
House bill,
No. 90. A bill providing for the location of a State road in the counties of Marshall and Kosciusko;
Was read and ordered to a second reading.
House bill,
No. 92. A bill authorizing the auditors of Vanderburgh and Gibson counties to call the boards of commissioners together to hold special sessions in said counties;
Which was read, and,
On motion by Mr. Edmonson,
The rule of the Senate was suspended, the bill read a second time, and referred to the committee on the judiciary; and,
On motion by Mr. Chapman of Laporte,
Instructions were given to make the provisions of the bill general.
House bill,
No. 101. A bill to change the mode of doing county business in the county of Crawford;
Was read, and,
On motion by Mr. Miller,
The rule of the Senate was suspended,
The bill read a second and third times, and passed.
House bill,
No. 112. A bill entitled, an act regulating elections of supervisors in the counties of Steuben and DeKalb;
Was read, and,
On motion by Mr. Herriman,
The rule of the Senate was suspended,
The bill read a second and third times and passed.
House bill,
No. 118. A bill legalizing special sessions of the board of county commissioners in the county of Daviess;
Was read, and,
On motion by Mr. Chapman of Daviess,
The rule of the Senate was suspended,
The bill read a second and third times, and passed.
Ordered, That the Secretary inform the House of Representatives of the passage of said bills.
House bill,
No. 107. A bill to more properly define the boundaries of Dearborn county;
Which was read and ordered to a second reading.
House bill,
No. 108. A bill extending the provisions of an act, for the protection of wild fruit, growing on public lands in the counties of Lake,

Porter. Laporte, St. Joseph, Marshall, Fulton, and Kosciusko, approved January 13, 1844;

Was read, and,

On motion by Mr. Chapman of Laporte,

The rule of the Senate was suspended,

And the bill read a second time.

Mr. Chapman of Laporte, moved further to suspend the rule of the Senate,

And read the bill a third time now.

The ayes and noes being called for by two Senators,

Those who voted in the affirmative are,

Messrs. Akin, Berry, Buell of Dearborn, Carr, Chapman of Daviess, Chapman of Laporte, Coffin, Cotton, Davis, Defrees, Dole, Duzan, Edmonson, Farmer, Goodenow, Hamer, Henry, Herriman, Hodge, Holloway, Hutton, Jones, Kennedy, Lane, Leviston, Major, Miller, Orth, Pennington, Read, Reyburn, Rippey, Rockhill, Stanford, Tannehill, Todd and Wood—37.

Those who voted in the negative are,

Messrs. Allison, Bradbury, Ewing, Morgan of Rush, and Parks—5.

So the rule of the Senate was suspended, and

The bill read a third time and passed.

Ordered, That the Secretary inform the House thereof.

House bill,

No. 113. A bill to authorize an additional place of holding elections in Redding township, Jackson county;

Was read and ordered to a second reading.

House bill,

No. 114. A bill to authorize the borrowers of the congressional township fund to secure their loans by lands within the proper congressional townships;

Was read, and,

On motion by Mr. Herriman,

The rule of the Senate was suspended,

The bill read a second time,

And referred to the committee on education.

House bill,

No. 119. A bill to amend an act, entitled, "an act to amend an act, entitled an act, to incorporate the Vevay and Napoleon, and other turnpike companies," approved February 8, 1836, approved January 15, 1844;

Was read, and,

On motion by Mr. Chapman of Laporte,

The rule of the Senate was suspended,

The bill read a second time,

And referred to the committee on corporations.

House bill,

No. 121. A bill in relation to penalties upon county commissioners;

Was read, and,

On motion by Mr. Buell of Dearborn,

The rule of the Senate was suspended,

The bill read a second time,

And referred to the committee on the judiciary.

House bill,

No. 122. A bill to locate a State road therein named, and for other purposes;

Was read and ordered to a second reading.

House bill,

No. 126. A bill to abolish the office of county auditor, in the county of Orange;

Which was read, and,

On motion by Mr. Orth,

The rule of the Senate was suspended,

And the bill read a second time.

Mr. Reyburn moved to refer the bill to the committee on the judiciary.

Mr. Hodge moved to send the following instructions to the committee:

"To extend the provisions of the bill to the county of Blackford."

Mr. Chapman of Laporte, called for a division of the question,

And the question being, "Shall the bill be referred?"

It was decided in the negative.

The bill was then ordered to a third reading.

House bill,

No. 128. A bill to amend an act, entitled, "an act to incorporate the Warren county canal company," approved Jan. 15, 1844;

Was read, and,

On motion by Mr. Buell of Warren,

The rule of the Senate was suspended,

The bill read a second time, and,

Referred to the committee on corporations.

House bill,

No. 129. A bill to change the name of Anna Maria Schmoll;

Was read, and,

On motion by Mr. Lane,

The rule of the Senate was suspended,

The bill read a second and third times, and passed.

Ordered, That the Secretary inform the House thereof.

Joint resolution of the House,

No. 97. A joint resolution on the subject of the Cumberland road, and harbor at Michigan city;

Was read, and,

On motion by Mr. Chapman of Laporte,
The rule of the Senate was suspended,
The bill read a second and third times, and passed.
Ordered, That the Secretary inform the House thereof.
Message from the House by Mr. Farquhar, their Clerk.

MR. PRESIDENT:

The House of Representatives have passed engrossed bill and joint resolution thereof, entitled:
No. 181. An act relating to the selling of clocks and other property by religious or education societies;
No. 197. A joint resolution with regard to the exhibition of the pupils of the Kentucky institution for the education of the blind;
In which the concurrence of the Senate is most respectfully requested.
The House have also passed without amendment, engrossed bill of of the Senate, entitled,
No. 63. A bill to establish an additional place of holding elections in Lafayette township, Floyd county;

House bill.
No. 181. A bill relating to the selling of clocks and other property by religious or education societies;
Contained in the message,
Was read, and,
On motion by Mr. Orth,
The rule of the Senate was suspended,
The bill read a second time, and
Referred to the committee on finance.
Joint resolution of the House,
No. 197. A joint resolution with regard to the exhibition of the pupils of the Kentucky institution for the education of the blind;
Contained in the message,
Was read and ordered to a second reading.
Message from the House, by Mr. Farquhar, their clerk.

MR. PRESIDENT:

The House of Representatives have passed, without amendment, engrossed bill of the Senate, entitled,
No. 103. An act to incorporate the mechanics' institute, at Lafayette, in Tippecanoe county;
They have also passed engrossed bills of the House, entitled as follows, viz:
No. 302. An act for the relief of Joana Mahony;
No. 303. An act to authorize the leveeing of Blue river, in Shelby county;

No. 304. An act to incorporate the Garrick institute, of Knightstown, Henry county;
No. 290. An act to legalize the acts of John Hardin, a justice of the peace of Hamilton county;
No. 296. An act authorizing the county commissioners of Dekalb county to assess a road tax;
No. 305. An act for the relief of Geo. French, of Adams county;
No. 291. An act for summoning grand and petit jurors in the counties of Madison and Hancock, and fixing their fees;
In which several bills the concurrence of the Senate is respectfully requested.

House bill,
No. 302. A bill for the relief of Joanna Mahoney:
Contained in the message,
Was read, and,
On motion by Mr. Buell of Dearborn,
The rule of the Senate was suspended, the bill read a second time, and ordered to a third reading.
House bill,
No. 303. A bill to authorize the construction of a levee on the banks of Blue river, in Shelby county;
Contained in the message,
Was read, and,
On motion by Mr. Herriman,
The rule of the Senate was suspended,
The bill read a second and third times, and passed.
Ordered, That the Secretary inform the House of the passage thereof.
House bill,
No. 304. A bill to incorporate the Garrick Institute of Knightstown, Henry county,
Contained in the message,
Was read, and,
On motion by Mr. Orth,
The rule of the Senate was suspended, the bill read a second time, and referred to the committee on corporations.
House bill,
No. 290. A bill to legalize the acts of John Hardin, a justice of the peace of Hamilton county,
Contained in the message,
Was read, and,
On motion by Mr. Duzan,
The rule of the Senate was suspended and the bill read a second time.
Mr. Ewing moved to refer the bill to the committee on the judiciary, with instructions to enquire into the constitutionality of its enactments;
Which was not agreed to.

The bill was then ordered to a third reading.

House bill,

No. 296. A bill authorizing the county commissioners of the county of DeKalb to assess a tax,

Contained in the message,

Was read, and,

On motion by Mr. Herriman,

The rule of the Senate was suspended, the bill read a second time, and ordered to a third reading.

House bill,

No. 291. A bill for summoning grand and petit jurors in the counties of Madison and Hancock, and fixing their fees,

Contained in the message,

Was read, and,

On motion by Mr. Jackson,

The rule of the Senate was suspended,

The bill read a second and third times, and passed.

Ordered, That the Secretary inform the House of the passage thereof.

House bill,

No. 305. A bill for the relief of George French, of the county of Adams,

Contained in the message,

Was read, and,

On motion by Mr. Rockhill,

The rule of the Senate was suspended, the bill read a second time, and referred to the committee on the judiciary.

Message from the House of Representatives, by Mr. Farquhar, their Clerk:

MR. PRESIDENT:

The House of Representatives have passed, without amendment, engrossed bill of the Senate of the following title:

No. 116. An act to locate a State road in Randolph and Jay counties.

The House have also concurred in the amendment of the Senate to bill of the House, entitled:

No. 127. An act to provide for the election of a Secretary of State and State Librarian.

The House have passed engrossed bills thereof entitled as follows:

No. 32. An act to abolish the office of county auditor in the county of Tipton;

No. 37. An act legalizing certain proceedings had in the office of school commissioner in the county of Marshall;

No. 43. An act declaring Black creek, in the county of Greene, a navigable stream;

No. 44. An act to repeal the act entitled, "An act relative to

overseers of the poor," approved January 15, 1844, so far as the same is in force in Bartholomew and Spencer counties;

No. 45. An act to authorize supervisors to purchase suitable tools to work the roads with;

No. 50. An act for the relief of John Sankey, of Vigo county;

No. 53. An act for the relief of Joseph Proctor and others;

No. 55. An act for the preservation of wild deer, in the county of Wabash;

No. 60. An act in relation to the competency or credibility of witnesses in the different courts of this State;

No. 62. An act defining the term of office of the several county treasurers of Indiana;

No. 63. An act for the relief of Harrison Barnett and Benjamin Powell;

No. 68. An act to vacate an alley in the town of Pittsburg, Carroll county;

No. 73. An act to authorize Gustavus A. Rose and others to file their petition before the board of county commissioners of Laporte county;

No. 75. An act to extend the time allowed to county auditors for making out the annual road tax list;

No. 80. An act for the correction of errors in assessing property in Jefferson county;

No. 87. An act abolishing the office of county auditor in the county of Putnam;

No. 91. An act to amend an act entitled, "An act relative to licensing groceries in the counties of Carroll and Cass," approved January 31, 1842;

No. 94. An act to amend certain provisions of the revenue laws in Elkhart county;

No. 98. An act for the relief of purchasers of certain school lands in the counties of Randolph, Scott, and Delaware;

No. 103. An act relative to the assignment of canal land office certificates;

No. 105. An act to amend an act to reduce the tolls on the New Albany and Vincennes road, and for other purposes;

No. 106. An act to legalize the acknowledgment of certain deeds, mortgages, and other instruments of writing, required by the laws of Indiana now in force to be acknowledged and recorded;

No. 110. An act to amend section 88, chapter 48, article 4, part 3, of the Revised Statutes of 1843;

No. 104. An act to abolish the office of county auditor in the county of Spencer;

No. 116. An act to authorize the citizens of the counties therein named to elect a county surveyor;

No. 259. An act for the relief of Benjamin H. Scott, of Miami county.

Also, the following engrossed joint resolution thereof, entitled:

No. 57. A joint resolution on the subject of the refuse public lands in Indiana.

In which several bills and joint resolution the concurrence of the Senate is respectfully requested.

House bill,

No. 32. A bill to abolish the office of county auditor in the county of Tipton,

Contained in the message,

Was read, and,

On motion by Mr. Orth,

The rule of the Senate was suspended and the bill read a second time.

Mr. Duzan moved to further suspend the rule of the Senate and read the bill a third time now;

Upon which,

The ayes and noes being desired by two Senators,

Those who voted in the affirmative are,

Messrs. Akin, Alexander, Berry, Bowers, Bradbury, Buell of Dearborn, Buell of Warren, Carr, Chapman of Daviess, Coffin, Cotton, Davis, Duzan, Edmonson, Henry, Herriman, Holloway, Hutton, Jackson, Jones, Kennedy, Lane, Leviston, Logan, Major, Miller, Morgan of Decatur, Orth, Parks, Pennington, Read, Rippey, Rockhill, Tannehill, Todd, and Wood—36.

Those who voted in the negative are,

Messrs. Chapman of Laporte, Defrees, Ewing, Farmer, Goodenow, Hamer, Hodge, Moore, Morgan of Rush, and Reyburn—10.

So the rule was further suspended,

The bill read a third time, and passed.

Ordered, That the Secretary inform the House of Representatives of the passage thereof.

House bill,

No. 37. A bill legalizing certain proceedings had in the office of school commissioner in the county of Marshall,

Contained in the message,

Was read, and,

On motion by Mr. Defrees,

The rule of the Senate was suspended,

The bill read a second and third times, and passed.

House bill,

No. 68. A bill to vacate an alley in the town of Pittsburg, Carroll county,

Contained in the message,

Was read, and,

On motion by Mr. Major,

The rule of the Senate was suspended,

The bill read a second and third times, and passed.

House bill,

No. 73. A bill to authorize Gustavus A. Rose and others to file their petition before the board of county commissioners of Laporte county,

Contained in the message,

Was read, and,

On motion by Mr. Chapman of Laporte,

The rule of the Senate was suspended,

The bill read a second and third times, and passed.

Ordered, That the Secretary inform the House of Representatives of the passage of said bills.

House bill,

No. 43. A bill declaring Black creek, in the county of Greene, a navigable stream,

Contained in the message,

Was read and ordered to a second reading.

House bill,

No. 44. A bill to repeal the act entitled, "An act relative to overseers of the poor," approved January 15, 1844, so far as the same is in force in Bartholomew and Spencer counties,

Contained in the message,

Was read, and,

On motion by Mr. Tannehill,

The rule of the Senate was suspended, the bill read a second time, and referred to a select committee.

Ordered, That the committee consist of Messrs. Tannehill, Leviston, and Berry.

House bill,

No. 45. A bill to authorize supervisors to purchase suitable tools to work the roads with,

Contained in the message,

Was read, and,

On motion by Mr. Buell of Dearborn,

The rule of the Senate was suspended, the bill read a second time, and referred to the committee on roads.

House bill,

No. 50. A bill for the relief of John Sankey, of Vigo county,

Contained in the message,

Was read, and,

On motion by Mr. Herriman,

The rule of the Senate was suspended, the bill read a second time, and referred to the committee on claims.

House bill,

No. 53. A bill for the relief of Joseph Proctor,

Contained in the message,

Was read and ordered to a second reading.

House bill,

No. 55. A bill for the preservation of wild deer in the county of Wabash,

Contained in the message,

Was read.

Mr. Reyburn moved to reject the bill;

Which was not agreed to.

On motion by Mr. Buell of Dearborn,

The rule of the Senate was suspended, the bill read a second time, and referred to the committee on agriculture, with instructions to make the provisions thereof general.

House bill,

No. 60. A bill in relation to the competency or credibility of witnesses in the different courts of this State,

Contained in the message,

Was read.

Mr. Chapman of Laporte moved to suspend the rule of the Senate and read the bill a second time now;

Which was agreed to, and,

On motion by Mr. Chapman of Laporte,

Was referred to the committee on the judiciary.

House bill,

No. 62. A bill defining the term of office of the several county treasurers of Indiana,

Was read, and,

On motion by Mr. Morgan of Decatur,

The rule of the Senate was suspended and the bill read a second time.

Mr. Morgan of Decatur moved to lay the bill upon the table;

Which was not agreed to.

On motion by Mr. Hodge,

The bill was referred to the committee on the judiciary.

House bill,

No. 63. A bill for the relief of Harrison Barnett and Benjamin Powell,

Contained in the message,

Was read, and,

On motion by Mr. Morgan of Decatur,

The rule of the Senate was suspended, the bill read a second time, and referred to the committee on education.

House bill,

No. 75. A bill to extend the time allowed to county auditors for making out the road tax list,

Contained in the message,

Was read, and,

On motion by Mr. Chapman of Laporte,

The rule of the Senate was suspended, the bill read a second time, and referred to the committee on roads.

House bill,

No. 80. A bill for the correction of errors in assessing property in Jefferson county,

Contained in the message,

Was read, and,

On motion by Mr. Goodenow,

The rule of the Senate was suspended, the bill read a second time, and referred to the committee on finance.

House bill,

No. 87. A bill abolishing the office of county auditor in the county of Putnam,

Contained in the message,

Was read, and,

On motion by Mr. Hutton,

The rule of the Senate was suspended and the bill read a second time.

On motion by Mr. Morgan of Rush,

It was referred to the judiciary committee.

House bill,

No. 91. A bill to amend an act entitled, "An act relative to licensing groceries in the counties of Carroll and Cass," approved January 31, 1842,

Contained in the message,

Was read, and,

On motion by Mr. Carr,

The rule of the Senate was suspended, the bill read a second time, and ordered to a third reading.

House bill,

No. 94. A bill to amend certain provisions of the revenue laws in Elkhart county,

Contained in the message,

Was read, and,

On motion by Mr. Rippey,

The rule of the Senate was suspended, the bill read a second time, and referred to the committee on finance.

House bill,

No. 98. A bill for the relief of purchasers of certain school lands in the counties of Randolph, Scott, and Delaware,

Contained in the message,

Was read, and,

On motion by Mr. Wood,

The rule of the Senate was suspended, the bill read a second time, and referred to the committee on education.

House bill,

No. 103. A bill relative to the assignment of canal land office certificates,

Contained in the message,
Was read, and,
On motion by Mr. Chapman of Laporte,
The rule of the Senate was suspended, the bill read a second time, and referred to the committee on canals and internal improvements.
House bill,
No. 105. A bill to amend an act to reduce the tolls on the New Albany and Vincennes road, and for other purposes,
Contained in the message,
Was read and ordered to a second reading.
House bill,
No. 106. A bill to legalize the acknowledgment of certain deeds, mortgages, and other instruments of writing, required by the laws of Indiana now in force to be acknowledged and recorded,
Contained in the message,
Was read, and,
On motion by Mr. Chapman of Laporte,
The rule of the Senate was suspended, the bill read a second time, and referred to the committee on the judiciary.
House bill,
No. 110. A bill to amend section 88, chapter 48, article 4, part 3, of the Revised Statutes of 1843,
Contained in the message,
Was read, and,
On motion by Mr. Orth,
The rule of the Senate was suspended, the bill read a second time, and referred to the committee on the judiciary.
House bill,
No. 104. A bill to abolish the office of county auditor in the county of Spencer,
Contained in the message,
Was read, and,
On motion by Mr. Cotton,
The rule of the Senate was suspended, the bill read a second time, and referred to the committee on the judiciary.
House bill,
No. 116. A bill to authorize the citizens of the counties therein named to elect a county surveyor,
Contained in the message,
Was read, and,
On motion by Mr. Morgan of Decatur,
The rule of the Senate was suspended and the bill read a second time.
Mr. Morgan of Rush moved to amend the bill by striking therefrom the county of Rush.
Mr. Buell of Dearborn moved to amend the amendment by providing for the operation of the law in the county of Dearborn.
On motion by Mr. Lane,

The bill and pending amendments were referred to the committee on elections.
House bill,
No. 259. A bill for the relief of Benjamin H. Scott, of Miami county,
Contained in the message,
Was read, and,
On motion by Mr. Stanford,
The rule of the Senate was suspended, the bill read a second time, and referred to the committee on the judiciary.
Joint resolution of the House,
No. 57. A joint resolution on the subject of the refuse public lands in Indiana,
Contained in the message,
Was read and ordered to a second reading.

Message from the House of Representatives, by Mr. Farquhar, their Clerk:

MR. PRESIDENT:

The House have passed, with one amendment thereto, an engrossed bill of the Senate, entitled,
No. 72. A bill to attach additional territory to the county of Ohio, and for other purposes;
In which amendment the concurrence of the Senate is respectfully requested.
Amend the bill by adding the following as an additional section thereto:
Sec. —. That in the year eighteen hundred and forty-five, when the counties of Dearborn and Ohio would, according to law, be entitled to three representatives jointly, that the county of Dearborn shall elect two representatives, separately, and the county of Ohio shall elect one representative separately, in lieu of three representatives jointly.

The ayes and noes being desired by two Senators,
On the question of concurring in the amendment of the House to the bill,

Those who voted in the affirmative are,

Messrs. Allison, Alexander, Bradbury, Buell of Warren, Davis, Defrees, Ewing, Farmer, Goodenow, Hamer, Henry, Hodge, Holloway, Jackson, Moore, Morgan of Decatur, Morgan of Rush, Orth, Pennington, Reyburn, Stanford, and Todd—22.

Those who voted in the negative are,

Messrs. Akin, Berry, Buell of Dearborn, Carr, Chapman of Daviess, Chapman of Laporte, Coffin, Cotton, Duzan, Edmonson, Herriman, Hutton, Jones, Kennedy, Lane, Leviston, Major, Miller, Read, Rippey, Ritchey, Rockhill, Tannehill, and Wood—24.

So the amendment of the House was not concurred in.

Ordered, That the Secretary inform the House accordingly.

Message from the House of Representatives, by Mr. Farquhar, their clerk:

MR. PRESIDENT:

The House of Representatives has passed without amendment, engrossed bill of the Senate, entitled,

No. 14. An act to legalize certain proceedings therein named;

Message from the House of Representatives, by Mr. Farquhar, their clerk.

MR. PRESIDENT:

The House of Representatives have passed the following engrossed bills thereof:

No. 16. An act to amend the several acts now in force relative to the discharge of the duties of school commissioners, in the counties of Perry, Fulton, and Marshall;

No. 117. An act for the relief of the State of Indiana, and for other purposes;

No. 186. An act requiring an enumeration of the white male inhabitants of this State;

In which the concurrence of the Senate is respectfully requested.

The Speaker of the House has signed the following engrossed bill thereof, entitled,

No. 18. An act to authorize the holding of a special election in Gibson county:

Which I am directed to bring to the Senate for the signature of the President.

House bill,

No. 16. A bill to amend the several acts now in force, relative to the discharge of the duties of school commissioners in the counties of Perry, Fulton, and Marshall;

Contained in the message,

Was read and ordered to a second reading.

House bill,

No. 117. A bill for the relief of the State of Indiana, and for other purposes;

Contained in the message,

Was read, and,

On motion by Mr. Defrees,

The rule of the Senate was suspended,

The bill read a second time,

And referred to judiciary committee.

Leave being granted,

Mr. Orth presented the memorial of Ellsworth, Beard & Co. on the subject of a proposed contract with the State of Indiana, for the purpose of constructing the Wabash and Erie canal to Terre Haute;

Which was referred to a select committee.

Ordered, That said committee be composed of Messrs. Orth, Dole, Buell of Dearborn, Ritchey, and Morgan of Decatur.

House bill,

No. 186. A bill requiring an enumeration of the white male inhabitants of this State;

Contained in the foregoing message,

Was read, and,

On motion by Mr. Chapman of Laporte,

The rule of the Senate was suspended,

The bill was read a second time,

And referred to the committee on elections.

Leave being granted,

Mr. Chapman of Daviess, introduced,

No. 212. A bill for the relief of the borrowers of the school funds arising from the sale of the 16th section;

Which was read, and,

On motion by Mr. Chapman of Daviess,

The rule of the Senate was suspended,

The bill read a second time,

And referred to the committee on education.

Mr. Edmonson moved to take from the table, bill of the House,

No. 12. To incorporate the Philadelphia industrial association of South Bend, St. Joseph county, Indiana;

Together with the report of the committee on corporations, on that subject,

Which was agreed to.

Mr. Defrees moved to concur in the amendment of the committee, with the following amendment:

Strike out all of the amendment proposed to section four, after the word "in," in the fifth line from bottom, and insert,

"They as well as the stockholders, shall be individually liable for such excess of indebtedness above the stock paid in."

Which was agreed to.

Leave having been obtained,

Mr. Major moved to re-consider the vote on Senate bill No. 68, for the formation of a new county, to be called Gallatin.

The ayes and noes being desired by two Senators,

Those who voted in the affirmative are,

Messrs. Akin, Berry, Buell of Dearborn, Carr, Chapman of Daviess, Chapman of Laporte, Davis, Defrees, Duzan, Edmonson, Goodenow, Hamer, Herriman, Hutton, Jackson, Jones, Kennedy, Lane, Leviston, Major, Miller, Morgan of Decatur, Read, Rippey, Ritchey, Rockhill, Stanford, Tannehill, and Wood—29.

Those who voted in the negative are,

Messrs. Bowers, Bradbury, Buell of Warren, Coffin, Cotton, Ewing, Henry, Hodge, Holloway, Moore, Morgan of Rush, Pennington, Reyburn, and Todd—14.

So the vote was re-considered.

On motion by Mr. Coffin,

The Senate adjourned.

SATURDAY MORNING, JANUARY 4, 1845.

The Senate assembled.

The Journal of the preceding day was read.

The President laid before the Senate the following communication from his Excellency the Governor, with the accompanying documents:

To the Senate:

Herewith are communicated sundry resolutions of different States of the Union, viz.:

1. Resolutions of the Legislature of Massachusetts, recommending an amendment to the Constitution of the United States.
2. A protest of the Legislature of Rhode Island, against any interference, on the part of the General Government, with the internal affairs of that State.
3. Resolutions of the Legislature of Maryland, against any interference, on the part of Congress, with the domestic institutions of the several States, and on other subjects.
4. Resolutions of the Legislature of Massachusetts, relating to a preamble and resolutions and certain proceedings of the Legislature of Virginia.

5. Resolutions of the Legislature of Virginia, in relation to certain resolutions of the Legislature of Massachusetts, in favor of an amendment of the Federal Constitution.
6. Resolutions of the Legislature of Kentucky, in response to certain resolutions of the Legislature of Massachusetts, relative to an amendment of the Constitution of the United States. Also, in relation to the admission to seats in the House of Representatives of Congress, of persons not elected according to law.
7. Resolutions of the Legislature of Massachusetts, concerning French depredations on American Commerce, previous to the Convention of 1800.
8. Resolutions of the same, concerning the annexation of Texas.
9. Resolutions of the Legislature of Georgia, relative to repudiation of State debts.
10. Resolutions of the same, relative to an interchange among the several States, of documents and copies of their laws and decisions.

All which resolutions are now submitted to the General Assembly as therein requested.

JAS. WHITCOMB.

January 3, 1845.

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No. 1.

COMMONWEALTH OF MASSACHUSETTS.

In the year one thousand eight hundred and forty-four.

RESOLVES CONCERNING AN AMENDMENT TO THE CONSTITUTION OF THE UNITED STATES.

Resolved, That the following amendment to the Constitution of the United States be, and hereby is, recommended to the consideration of Congress, to be acted on according to the fifth article. The third clause of the second section of the first article shall read in the words following: Representatives and direct taxes shall be apportioned among the several States which are or may be included within this Union, according to their respective numbers of free persons, excluding Indians not taxed. The actual enumeration shall be made within two years from the date of the adoption of this amendment in the manner provided by the Constitution, and within every subsequent term of ten years, in such manner as the Congress shall by law direct. The number of Representatives shall not exceed one for every thirty thousand, but each State shall have at least one Representative.

Resolved, That His Excellency the Governor be requested to transmit a copy of the aforegoing resolve, and the proposed amendment,

to each of the Senators and members of the House of Representatives of this Commonwealth in the Congress of the United States.

Resolved, That His Excellency the Governor be requested to transmit a copy of the same resolve and amendment to the Executive of the United States and of the several States.

Resolved, That the aforesaid Senators and Representatives be requested to use their best exertions to procure the adoption of the amendment now proposed by the Congress of the United States.

HOUSE OF REPRESENTATIVES, *January* 15, 1844.
Passed,
THOMAS KINNICUTT, *Speaker.*

IN SENATE, *January* 16, 1844.
Passed,
JOSIAH QUINCY, JR., *President.*

January 16, 1844.—Approved.
GEORGE N. BRIGGS.

A true copy,—Attest:
JOHN G. PALFREY,
Secretary of the Commonwealth.

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No. 2.

IN GENERAL ASSEMBLY OF THE STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS,

At a special session held at Providence, on the 29th day of March, in the year of our Lord one thousand eight hundred and forty-four.

PROTEST AND DECLARATION

Of the State of Rhode Island and Providence Plantations against any interference by the Congress, or by the House of Representatives of the Congress of the United States with the internal government and the Constitution of said State.

WHEREAS, This State was settled under free and popular institutions, which at all times have been firmly maintained against foreign aggression and domestic violence; and, whatever hath been the control exercised over its external concerns, hath ever contended for the exclusive right to adopt and uphold its own mode of domestic republican government:

AND WHEREAS, The General Assembly of this State, in the spirit of the founders of this State, did, on the fourth day of May, in the year of our Lord one thousand seven hundred and seventy-six, for

good reasons moving our people thereunto, formally revoke their allegiance to George the Third, then King of Great Britain, and did substitute the name and authority of the Governor and Company of this then colony for the name and authority of said King, and did thereby become an independent State; and at the same session and on the same day did appoint delegates to the General Congress of the United Colonies, with authority to enter into and adopt "all proper measures for promoting and confirming the strictest union and confederation between the said United Colonies for exerting their whole strength and force to annoy the common enemy, and to secure to the said colonies their rights and liberties, both civil and religious, whether by entering into treaties with any prince, state, or potentate, or by such other prudent and effectual ways and means as should be devised and agreed upon: and did instruct their said delegates, in the doing thereof, "*to take the greatest care to secure to this colony in the strongest and most perfect manner the present established form, and all the powers of Government, so far as relate to its internal police, and the conduct of our own affairs, civil and religious:*" and the said delegates, under said instructions, and in conformity therewith, did, on the fourth day of July, in the year of our Lord one thousand seven hundred and seventy-six, join with the delegates of the other colonies, as the representatives of the United States in General Congress assembled, in declaring "that these United Colonies are, and of right ought to be, free and independent States," without in any manner impairing the rights and powers of internal government and police theretofore possessed and enjoyed by the people of this State as aforesaid;

AND WHEREAS, At their February session, in the year of our Lord one thousand seven hundred and seventy-eight, the General Assembly of this State, having taken into consideration proposed Articles of Confederation and Perpetual Union between the States of New Hampshire, Massachusetts Bay, Rhode Island and Providence Plantations, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, North Carolina, South Carolina, and Georgia, did appoint delegates from this State to the Congress of the United States, with full power and authority, on the part and in the behalf of this State, to accede to and sign said Articles of Confederation and Perpetual Union, which said delegates on the part and in the behalf of this State, did, on the ninth day of July, in the year of our Lord one thousand seven hundred and seventy-eight, accede to and sign said Articles of Confederation and Perpetual Union, wherein it was provided, that "each State should retain its sovereignty, freedom, and independence, and every power, jurisdiction, and right which was not by said Confederation expressly delegated to the United States in Congress assembled:"

AND WHEREAS, Said Articles of Confederation and Perpetual Union did, in no way or manner, invalidate the right of internal government and police theretofore possessed and enjoyed by the people of this

State as aforesaid, and this State was admitted and entered into said Confederation under a republican form and constitution of Government then and for a long time before by the people of this State held and enjoyed:

And whereas, Under the same form and constitution of republican government, the people of this State thereafter, and in order to perform a more perfect union, establish justice, *ensure domestic tranquility, provide for the common defence,* promote the general welfare, and secure the blessings of liberty to themselves and their posterity, did, on the twenty-ninth day of May, in the year of our Lord one thousand seven hundred and ninety, in convention assembled, duly ratify the constitution of the United States, and did thereby become one of the United States of America under the constitution thereof; and in their instrument of ratification, under and by virtue of which they acceded to the Union under said constitution, and at the same time that they declared and made known certain natural rights, of which no compact could deprive them, did declare and make known that the right of suffrage belonged only to "those who have sufficient evidence of permanent common interest with and attachment to the community:" and did especially declare and make known "that all power of suspending laws *by any authority*, without the consent of the representatives of the people in the Legislature, is injurious to their rights, and ought not to be exercised:" and under their said republican form and constitution of government, then and until now of late existing, were admitted and entered into this union of States, under the constitution thereof, and in conformity with said constitution: and to ensure domestic tranquility, and at the same time to provide for the common defence, did yield and give up the right of this State to keep troops or ships of war, without the consent of Congress, in time of peace—to enter into any agreement or compact with another State, or with a foreign power, or engage in war, unless actually invaded, or in such imminent danger as would not admit of delay: and did yield and give up the right of this State to lay any imposts or duties on imports, or exports, for its own use, and many other rights and powers before that time by this State possessed and enjoyed; and amongst other things, in consideration thereof, did accept and receive from the United States a guaranty of their said republican form of government, and that the said United States would protect this State against invasion; and, on application of the Executive, (when the Legislature could not be convened) against domestic violence:

And whereas, Certain evil disposed persons, within and without this State, have endeavored to stir up and excite insurrection, rebellion, and war therein, for the purpose of overthrowing the republican form and constitution of internal government of this State, established, possessed, enjoyed, and guarantied as aforesaid, and by force and fraud to establish another government and constitution of government in its stead; which endeavor, by the blessing of God,

hath been wholly unsuccessful: so that the people of this State now, as heretofore, are in the full enjoyment of regulated American constitutional liberty, under a new republican form and constitution of government, by them legally, peaceably, and freely adopted, and according to which the government of this State is now, and hath for some time past, been settled and carried on with the full consent of the people thereof:

And whereas, Samuel Steere, Olney Ballou, Otis Wood, Cyrus Brown, Levi C. Eaton, George C. Carr, Anson Potter, Isaac Wilkinson, Eddy Keech, Gladding O. Thompson, Adams Park, James Angell, Cyrus Farnum, William Steere, David Wilbour, James Harkness, Pardon Angell, William Smith, Thomas Buffum, Ariel Ballou, Fenner Brown, William Latham, Joseph T. Sisson, Jonathan Cole, Niles Westcott, and Richard Mowry, styling themselves "Democratic members of the Rhode Island Legislature," and actually representing in the Senate and House of Representatives of this General Assembly, certain towns of this State, in plain violation of their oaths of office, whereby they solemnly engaged to be true and faithful to this State, and to support the constitution thereof, have addressed and transmitted a memorial to the House of Representatives of the Congress of the United States, now in the city of Washington convened, requesting amongst other things "the House of Representatives to enquire whether the members of said House from the State of Rhode Island are entitled to their seats; inasmuch as a large number of persons entitled, under the people's constitution, to vote at their elections were excluded from the polls, and the electors were debarred from voting for candidates in opposition, under said constitution;" and have thereby invoked the said House of Representatives to exclude the Representatives of this State in the Congress of the United States from their seats in said House, upon the ground that another constitution of government heretofore treasonably attempted to be intruded upon this State, is the true and lawful constitution thereof, and that the elections of said Representatives were invalid, because not held and conducted according to the provisions of said pretended constitution: and further requesting "the Congress of the United States to execute to this State the guaranty in the national constitution of a republican constitution in favor of that which was rightfully and duly adopted in this State in December 1841, and established and carried into effect by the organization of a government under it in May 1842:" and have thereby invoked the force of the United States to destroy the government and constitution of government, and usurp the powers of the people of this State, and to intrude upon this State the pretended constitution of government treasonably attempted to be established therein as aforesaid: and whereas the said House of Representatives of the said Congress, have received, entertained, and discussed said memorial, and referred the same to a special committee, and have conferred upon said committee full and unrestricted power to call for

persons and papers, and thus to inquire into all the matter in said memorial contained, refusing or neglecting to limit said power of inquiry or to specify for what purpose or to what end in said memorial prayed for and set forth:

Now, therefore, lest silence, in the premises, should be construed into acquiescence in any action which said House of Representatives hath taken, or which said House, or the Congress of the United States shall take therein, and a precedent be established dangerous to the freedom and sovereignty of this State, and of the other States of this Union,

The General Assembly of the State of Rhode Island and Providence Plantations, here, in special session duly convened, on the part and in the behalf of the people of said State, do most solemnly

PROTEST,

First, Against the right of the Congress of the United States, or of either House thereof, now to decide or inquire whether the late charter government of this State was republican in its form, the same having been the form of government under which this State declared its freedom and independence, and, with the other States of this Union, the freedom and independence of the United States, was admitted and entered into the union of States under the Articles of Confederation and Perpetual Union, and afterwards under the Constitution of the United States: said form of Government, as republican, having been recognized and guarantied to this State by the United States, in and by the constitution thereof.

Second, Against the right of the Congress of the United States, or of either House thereof, to decide or inquire into the question whether the said pretended constitution for this State, called the People's Constitution, traitorously attempted to be set up in this State, as aforesaid, or the constitution of this State, legally, peaceably, and freely adopted by the people thereof on the twenty-first, twenty-second, and twenty-third days of November, in the year of our Lord one thousand eight hundred and forty-two, is the lawful constitution of this State; and whether the Representatives of this State in the Congress of the United States are entitled to their seats therein, so far as their right to said seats depends upon, or is involved in said question, as wholly beyond the right, power, and jurisdiction of Congress, or of either House thereof, and grossly violative of rights expressly reserved to the people of this State by the constitution of the United States: the said question having been finally decided by the people of this State, and the government of this State having been actually settled, and being now actually administered under and by virtue of the constitution of this State, legally, peaceably, and freely adopted by the people thereof, as aforesaid, and the same constituting a republican form of government for this State.

Third, Against the doing or agitation by Congress, or by either House thereof, of any act, matter, or thing, concerning the government of this State, and the constitution thereof, calculated to stir up and excite anew, rebellion, insurrection, and war therein, or to excite against this State, and the people and government thereof, the ill-will of the people and governments of our sister States, as a gross violation of the spirit of our common Union and constitution, plainly tending to disturb our domestic tranquillity, and an infringement of the guaranty by the United States, in the constitution thereof, of the existing republican form of government of this State.

And this General Assembly would remind the people and Congress of the United States, and the people and authorities of the several States of this Union, that, though the people of this State, ever jealous of their right of domestic government and internal police, were the last of the old thirteen States which adopted the Constitution of the United States, they have ever faithfully maintained and observed the same, and in seasons of peril have never been found wanting to the common cause; and confidently trusting that the men of Rhode Island are not degenerate from the spirit of their honored sires, in view of the premises, do solemnly

Resolve, On the part and in the behalf of the people of this State, that we will to the utmost and by every means in our power, defend our right to govern ourselves, and to uphold our present constitution of internal government, until the same be legally changed in the mode therein provided, against all encroachment and opposition whatsoever, and according to the rights of this State expressly reserved and guarantied to this State and to the people thereof, by the constitution of the United States: and do further

Resolve, That His Excellency the Governor be requested to transmit a copy of this our Protest and declaration to the President of the United States: and through our Senators and Representatives to each House of the Congress of the United States: that His Excellency be also requested to address and transmit a copy thereof to the Governor of each of the States of this Union, with a request that the same be laid before the legislative assemblies of their respective States at the earliest session thereof; and do further

Resolve, That our Senators and Representatives be requested to urge this our Protest and Declaration upon the attention of the respective Houses of Congress to which they belong.

True copy—witness,

HENRY BOWEN, *Sec'ry.*

No. 3.

By the House of Delegates, }
March 8th, 1844. }

1. *Resolved by the General Assembly of Maryland*, That the establishment of the Federal Constitution was the result of a compact between the States; that in the formation of this compact, diversified and apparent conflicting interests were involved; that the parties to the said compact, after long but patriotic deliberation, endeavored to harmonize these various interests; that amongst other difficult questions adjusted, not one was attended with more embarrassment in its satisfactory settlement than the question arising from the peculiar institutions of the southern States, in relation to slavery; that after patient and patriotic examination, this question was happily compromised upon a fair and equitable basis; that this adjustment of a distracting question upon high and solemn considerations, by the patriots of the revolution, ought not to be disturbed, but held inviolably sacred and forever settled; that its renewal can lead to no beneficial results, either politically or morally, but must be attended with consequences which no human eye can foresee, and fatally involving, probably, the lives and liberties of the good people of these United States, and convulsing the very elements of our existing happy Union.

2. *Resolved*, That the State of Maryland having within her limits a large portion of the peculiar population recognized by said compact, as under her exclusive control, has upon the most elevated principles of enlightened humanity, endeavored by her policy towards this class, so to regulate it as to ameliorate its condition and make it subservient to the most practicable well-being of the entire community, and under which that class may enjoy as much comfort as ordinarily falls to the lot of mortals, and also by her system of colonization, to afford to such as choose to avail themselves of her liberality, an opportunity to be settled in a country congenial to their existence as a free and independent people; that whilst the State is not convinced that this class is not now in that state of inevitable vassalage, providentially ordained for their own, as well as for the happiness of others, yet in a spirit of just deference to the conscientious views of some of her people, although her financial exigencies are urgent, she has imposed and does now impose upon her citizens, a considerable tax to aid in transporting to Africa, such as may be willing to make the experiment of self-government; that acting upon benevolent principles towards this class of people, Maryland cannot but be mortified to find some of her sister States arrogating to themselves supremacy of morals and more enlightened policy, without deference to the different views of others, and adopting a course of conduct which cannot but be productive of the most lamentable consequences.

3. *Resolved*, That Congress has no power under the Constitution, to interfere with or control the domestic institutions of the several States; and that such States are the sole and proper judges of every thing appertaining to their own affairs not prohibited by the Constitution; that all efforts of the abolitionists or others, made to induce Congress to interfere with subjects of slavery, or to take incipient steps in relation thereto, are calculated to lead to the most alarming and dangerous consequences, and that all such efforts have an inevitable tendency to diminish the happiness of the people and endanger the stability and permanency of the Union, and ought not to be countenanced by any friend of our political institutions.

4. *Resolved*, That the Legislature of Massachusetts, by the recent action adopted upon this subject, has in an organized form placed herself, in the opinion of this General Assembly, in an attitude well calculated to disturb the compromises of the Constitution, and to encourage the fanatical crusade against the rights of their southern brethren, and well adapted to create serious apprehensions as to the perpetuity of our glorious Union; the course of that great State in her legislative capacity we cannot but consider as highly disloyal to the constitutional integrity of the federal compact, and under all the circumstances, displaying very bad faith to her sister States, whose peculiar institutions differ from hers; that in a spirit of fraternal respect we invoke from the patriotic sons of that ancient commonwealth, a reconsideration of their aforesaid action, and beseech them as they regard the holy connexion of the States, not to persist in their efforts to open again this vexed question, which in its renewed agitation must terminate in a state of things which all friends of the Constitutional Union as it is, would seriously deplore; that we call upon them in the spirit which dictated its formation, to pause in their career of proposed innovation.

5. *Resolved*, That justice and sound policy forbid the Federal Government to foster one branch of industry to the detriment of another, or to cherish the interest of one portion to the injury of another portion of our common country; that every citizen, and every section of the country has a right to demand and insist upon an equality of rights and privileges, and to complete an ample protection of person and property from domestic violence or foreign aggression.

6. *Resolved*, That the Governor of this State cause to be transmitted a copy of the foregoing resolutions to each of our Senators and Representatives in Congress, and to the Governors of the several States of the Union, with a request that they will cause the same to be laid before the respective Legislatures thereof.

We hereby certify, that the foregoing is a true copy of the original resolutions, which passed both branches of the General Assembly of Maryland, at December session, 1843.

Given under our hands at the city of Annapolis, this 25th day of March, 1844.

GEORGE G. BREWER,
Clerk House Delegates, Md.
JOS. H. NICHOLSON,
Clerk Senate, Md.

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No. 4.

COMMONWEALTH OF MASSACHUSETTS.

In the year one thousand eight huudred and forty-four.

RESOLVES RELATING TO A PREAMBLE AND RESOLUTIONS AND CERTAIN PROCEEDINGS OF THE GENERAL ASSEMBLY OF THE STATE OF VIRGINIA.

WHEREAS, the Legislature of this Commonwealth, on the 16th day of January last, did unanimously pass certain resolves recommending an amendment of the Constitution of the United States, so as to apportion Representatives in Congress and direct taxes among the several States, according to their respective number of free persons; copies of which resolves, agreeably to the terms thereof, were sent by his Excellency the Governor, to the President of the United States, and the Governors of the several States.

And, whereas, the General Assembly of Virginia, in a form unusual in the intercourse between the several States of this Union, has seen fit to cause the copy of said resolves, which was sent to the Executive of that State, to be returned to his Excellency the Governor, accompanied by the following preamble and resolutions:

"PREAMBLE AND RESOLUTIONS.

"The Governor of this Commonwealth having in his last annual message, communicated to the General Assembly, the resolutions of the General Assembly of the State of Massachusetts, adopted March 23d, 1843; and having this day communicated the resolutions of the same body, passed on the 15th and 16th of January, 1844, all of said resolutions proposing to amend the Constitution of the United States, so as to apportion representation and taxation among the several States according to their respective numbers of free persons, excluding Indians not taxed; of which resolutions it is proper that this Assembly should take notice. It is well known that the recognition and protection of the peculiar interests of the slave holding States, by making the slaves a part of the basis of representation and taxation in the Federal Government, was a compromise upon which the

Federal Union of the States was formed, was acknowledged by Massachusetts in convention, as the language of all America, adopted in the federal convention by a vote almost unanimous, and is essential to the peace, welfare, and continuance of the slave holding States in this Union: Therefore,

"*Resolved, unanimously, by the General Assembly of Virginia.* 1. That we cannot regard these resolutions as in truth a proposition to amend the Federal Constitution, but virtually one to dissolve the Union. 2. That, whilst we have forborne the expression of complaint at the disturbance of the peace and safety of the South by the agitation of the subject of our peculiar domestic institutions by individuals and voluntary societies at the North, we regard this attack by the highest constitutional authority of a sister State, as in the highest degree unjust, unkind, faithless to the compromises of the Constitution, and meriting the deepest condemnation of every patriot and friend of the Union. 3. That when we look back to those periods of our history, when Massachusetts and Virginia cooperated so cordially, zealously, and effectively, in achieving our Independence, and securing it by the adoption of our Federal Constitution, we cannot but regard this attack with increased regret and abhorrence. 4. That the Governor of this Commonwealth be, and he is hereby requested to communicate copies of the foregoing preamble and resolutions to the Governors of the several States, with a request that they may be laid before their respective Legislatures; to the Senators and Representatives in Congress from Virginia; and especially to return the original resolutions to the Governor of Massachusetts.

"Adopted by the General Assembly, February 15th, 1844."

Now, therefore, resolved, That the said resolves of the Legislature of this Commonwealth do express the deliberate sentiments of the people of Massachusetts; that they do in truth and in good faith propose an amendment of the Constitution of the United States; that, so far from containing a proposition virtually to dissolve the Union, they assert a principle which is essential to its stability and permanence, and to the assertion and maintenance of which, in every constitutional way, the people of Massachusetts will always hereafter, as they now do, firmly and conscientiously adhere.

Resolved, That the fifth article of the Constitution of the United States, by which a mode is provided for the amendment of that instrument, with but a single restriction as to the subject of such amendment, does thereby recognize the right of the people, at their pleasure, to alter any or all of the terms and conditions, with the exception aforesaid, upon which their union was formed; and that the said article, by excepting the proportion of direct taxes from alteration prior to the year eighteen hundred and eight, does thereby expressly admit the right of the people, by an amendment of the Constitution, to change the basis of the apportionment of such taxes

after the said year eighteen hundred and eight, as is proposed by the said resolves of the Legislature of this Commonwealth.

Resolved, That while we look back with great satisfaction "to those periods of our history when Massachusetts and Virginia co-operated so cordially, zealously, and effectively, in achieving our independence, and securing it by the adoption of the Federal Constitution," it is our highest pleasure to believe that Massachusetts, from that time to the present, in her laws and institutions, has asserted and illustrated the great truths of the Declaration of Independence.

Resolved, That this Legislature cannot but regard the return of their resolves by the General Assembly of Virginia as without a precedent in the correspondence between the States of this Union; that the spirit manifested in this proceeding is in derogation of the rights and independence of a sovereign State, and is a violation of that courtesy which ought ever to characterize the intercourse between the different States of a confederated republic.

Resolved, That the Governor of this Commonwealth be, and he is hereby requested to communicate copies of the foregoing preamble and resolves to the Governors of the several States, with the request that they may be laid before their respective Legislatures.

HOUSE OF REPRESENTATIVES, *March* 16, 1844.
Passed,
SAMUEL H. WALLEY, JR., *Speaker*.

IN SENATE, *March*, 16, 1844.
Passed,
JOSIAH QUINCY, JR., *President*.

March 16, 1844.—Approved.
GEORGE N. BRIGGS.

March 22, 1844.

A true copy,—Attest:
JOHN G. PALFREY, *Secretary*.

No. 5.

STATE OF VIRGINIA.

EXECUTIVE DEPARTMENT,
Richmond, Virginia, February 24, 1844.

SIR:—In compliance with a request of the General Assembly of Virginia, I have the honor to forward you herewith a copy of certain resolutions, adopted by that body on the 15th instant.

I am very respectfully,
Your most obedient servant,
JAMES M'DOWELL.

To his Excellency,
the Governor of Indiana.

PREAMBLE AND RESOLUTIONS.

The Governor of this Commonwealth having in his last annual message communicated to the General Assembly the resolutions of the General Assembly of the State of Massachusetts, adopted March 23d, 1843; and having this day communicated the resolutions of the same body, passed on the 15th and 16th of January, 1844, all of said resolutions proposing to amend the Constitution of the United States, so as to apportion representation and taxation among the several States, according to their respective numbers of free persons, excluding Indians not taxed; of which resolutions it is proper that this Assembly should take some notice:

It is well known that the recognition and protection of the peculiar interests of the slave holding States, by making the slaves a part of the basis of representation and taxation in the Federal Government, was a compromise upon which the Federal Union of the States was formed, was acknowledged by Massachusetts in convention, as the language of all America—adopted in the Federal Convention by a vote almost unanimous—and is essential to the peace, welfare and continuance of the slave holding States in this Union:

Therefore, resolved, unanimously, by the General Assembly of Virginia, 1. That we cannot regard these resolutions as in truth a proposition to amend the Federal Constitution, but virtually one to dissolve the Union.

2. That whilst we have forborne the expression of complaint at the disturbance of the peace, and safety of the South, by the agitation of the subject of our peculiar domestic institutions by individuals and voluntary societies at the North, we regard this attack by the highest constitutional authority of a sister State, as in the highest degree unjust, unkind, faithless to the compromises of the Constitu-

tion, and meriting the deepest condemnation of every patriot and friend of the Union.

3. That when we look back to those periods of our history, when Massachusetts and Virginia co-operated so cordially, zealously, and effectively, in achieving our Independence, and securing it by the adoption of our Federal Constitution, we cannot but regard this attack with increased regret and abhorrence.

4. That the Governor of this Commonwealth be, and he is hereby requested to communicate copies of the forgoing preamble and resolutions to the Governors of the several States, with the request that they may be laid before their respective Legislatures; to the Senators and Representatives in Congress from Virginia; and especially to return the original resolutions to the Governor of Massachusetts.

Adopted by the General Assembly, February 15th, 1844.

GEORGE W. MUNFORD, *C. H. D.*

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No. 6.

STATE OF KENTUCKY.

EXECUTIVE DEPARTMENT,
Frankfort, March 26th, 1844.

SIR:—I have the honor to transmit herewith, copies of a "Preamble and Resolution in response to certain Resolutions of the Massachusetts Legislature, relative to an amendment of the Constitution of the United States; and, also, Preamble and Resolutions in relation to the admission to seats in the House of Representatives of Congress of persons not elected according to law."

I have the honor to be, very respectfully,
Your obedient servant,
R. P. LETCHER.

To His Excellency,
JAMES WHITCOMB, *Governor of Indiana.*

Preamble and Resolution in response to certain Resolutions of the Massachusetts Legislature, relative to an amendment to the Constitution of the United States; and, also, Preamble and Resolutions in relation to the admission to seats in the House of Representatives of Congress of persons not elected according to Law.

The committee on Federal Relations, to whom was referred certain resolutions of the State of Massachusetts recommending a change in the Constitution of the United States, whereby the basis of representation would be changed so as to exclude the representation now allowed a portion of the States in consideration of the

slave population, have had the same under consideration, and beg leave to report: That they believe any interference by the General Government itself, or by any of the States in their individual capacity, upon a subject so vitally important to a large portion of the States of this Union, would not only tend, by its agitation, to weaken the bonds of union that now hold them together, but that any effort to carry these views out would most undoubtedly dissolve the union of the States—Therefore,

Resolved, That this General Assembly do but express the opinion of the people of the State of Kentucky, when they dissent totally from the whole object of the resolution that has been presented to us, and that they will feel it their duty to resist any effort that shall be made directly or indirectly to change the established basis of representation.

WHEREAS, by the sole action of the House of Representatives of the Congress of the United States, the second section of the act of Congress for the apportionment of representatives among the several States, according to the sixth census, has been declared null and void, and the good people of this Commonwealth having a deep and abiding interest, not merely in the maintenance of the validity of that section, but in the power of Congress to adopt it, and there being no appeal from, or revision of, the decision of the House of Representatives but at the great bar of national public opinion, we deem it our duty to make that appeal, and in behalf of the people of Kentucky, to make the most solemn and formal protest against the recent action of that House on this subject.

The second section of the act which the House of Representatives has thus attempted to annul, provides, that representatives in Congress shall be elected by *single* districts, composed of contiguous territory. The necessity of this provision on the part of Congress had become not merely obvious, but very urgent. Further delay in the exercise of this necessary and important power would have put in extreme peril the permanency of the fundamental structure of the General Government. The whole theory of the Constitution clearly demonstrates that the States, in their aggregate or corporate capacity, were to be represented, *as States*, in the Senate, whilst the people were to be represented in the other House, *as one nation*, on fair principles of popular representation. What was considered a fair popular representation by the framers of the Constitution, may be learned from the practice in the election of members to the various State Legislatures at the period of its adoption, from the election of members of the Colonial Legislatures and of the English House of Commons; as also, from all contemporaneous exposition and discussion. None of these sources of information authorize the presumption, that it was at all within the contemplation of the framers of the Constitution that the principle of a fair popular representation could be secured by a general ticket system, requiring the whole population of a State, amounting to three or four millions, to vote

for an entire delegation, consisting of thirty or forty members. On the contrary, they all imply that the principle of fair popular representation requires such a subdivision of the constituent body as will bring the representative as near as may be within the personal acquaintance of those he represents, and subject him to an available accountability. They also all strongly imply, that the true principles of Republican Government require that minorities, among political parties in a State, should have some chance of a voice in the national councils. The wise founders of our institutions did not lack the sagacity to perceive the great importance, as well to the majority as the minority, of having the conduct of those to whom the people's rights were confided, watched and reported on by one or more vigilant and interested sentinels from the opposing party.

This equal, just and truly republican principle of representation had been not merely violated, but that equipoise of the whole Constitutional fabric which is based upon it, had been put in peril by the action of several of the States. Six of them had already adopted the general ticket system, thereby giving to some of the smaller States more actual strength in the councils of the nation than the largest States. This gross inequality and injustice had justly become the subject of general comment and complaint. It induced, some years back, the serious agitation of the question in our own Legislature, as to the propriety of adopting the general ticket system; and nothing but deference to the sanctity due even to the inferential theory of the Constitution prevented the dominant party from remedying the injustice, as to our State, by seizing the political party advantage which would have ensued from that system. Its adoption by one such State as Kentucky, in the heated temper of the public mind at that time, would have insured its speedy adoption, on plain principles of justifiable self-defence, by every other State in the Union. Once adopted by the large States, all chance for correcting the evil, either by Constitutional amendment or Congressional Legislation, would have been lost forever, and there would have ensued a most pernicious, radical and irremediable revolution in the whole structure of the Government.

In view of this peril, and in avoidance of this great national calamity, Congress acted in prescribing the district system. The act received not merely our hearty approval, but we had supposed that, as was its due, it had met with the great sanction of the national approbation. It rested for its validity on the plainest and most indisputable of the undoubted powers of Congress, and on a policy whose wisdom was conceded even by those who opposed the passage of the law. Self-respect, not that which may be supposed to be due to those who are abusing the powers of a co-ordinate department of the government, induces us to forbear from a full expression of the surprise, the alarm, the indignation we felt at finding a majority of the House of Representatives daring to treat this law as a nullity; so treating it too, under circumstances calculated to induce

the suspicion, that it is done for the purpose of accomplishing a party advantage, and on reasons so flimsy, as not to be worthy of the designation of plausible pretexts.

In seeking for these reasons we have gone to what may be deemed the highest authority, the report of the committee to whom the subject was referred, upon whose recommendation the House acted, and who have, no doubt, brought into requisition, for the purpose of glossing over the proceeding, all the most plausible pretexts that could be invented. The question as to the power of Congress to pass this act, depends on the proper construction of the following clause of the Constitution:

"The times, places and manner of holding elections for Senators and Representatives, shall be prescribed in each State, by the Legislature thereof; but the Congress may, at any time, by law, make or alter such regulations, except as to the places of choosing Senators." There needs no juster comment on this section than the following, taken from the report of this committee:

"It will be observed that the two clauses of this section differ materially in the tone in which they address the different governments. The one is *commanded* and the other *permitted* to act. The State Legislature *shall* prescribe the times, places and manner of holding elections; Congress *may* make or alter such regulations. An imperative duty rests upon the State Legislatures, whilst a mere privilege is granted to Congress. If the Legislatures of the States fail or refuse to act in the premises, or act in such a manner as will be subversive of the rights of the people and the principles of the Constitution, then this conservative power interposes, and, on the principle of self-preservation, authorizes Congress to do that which the State Legislatures ought to have done."

Holding, as we do, that the general ticket system is subversive of the rights of the people and the principles of the Constitution, the occasion had occurred which called for the exercise of this discretionary power, by Congress, to put an end to that system. This opinion is not controverted by the committee and cannot be successfully controverted by any one. As the Constitution confers on Congress the power to substitute an entire system of its own, or merely to *alter* that of the States, the inference is irresistible, that Congress may, at its own discretion, legislate upon a part only, without engrossing the whole subject. This is so obvious that the committee has not even ventured to deny it, but fully admits it in this unambiguous language:

"It does not necessarily follow that Congress is compelled to exert all the power conferred in that section, or to refrain from exercising every portion of it. We insist upon no such principle. Congress may prescribe the time, the place, the manner, or either of them, in its discretion." But say the committee further, "if it attempts to control the time, it must designate the day by law, and so with each other branch of the subject. Whenever Congress assumes the power

over one branch of the subject, its legislation must be complete to that extent, so as to execute itself without the intervention of the State Legislatures." The committee also admits that, "so much of the power as shall not be embraced in the legislation of Congress, the Constitution makes it the imperative duty of the States to carry into effect."

Having conceded that Congress may legislate upon a part, without exercising the whole power, by what principle or rule of construction does the committee make the broad and bold assumption, that if Congress assumes the power over one branch of the subject, its legislation must be complete to that extent, so as to execute itself without the intervention of the State Legislatures? The Constitution does not say so, but leaves it entirely in the discretion of Congress to exert the whole or any part, however large or small, of the power conferred, and at the same time makes it the imperative *duty* of the State Legislatures to supply any deficiencies. "Congress may alter such regulations," says the Constitution. Which regulations? The whole or any. How alter them? In whole or in part. The power wholly to change or abolish must necessarily include the authority to modify in any, the smallest particular. The greater must, in the nature of things, include the less. If Congress be authorized to *alter* the regulations adopted by the States, as the committee is constrained to admit, that authority must of necessity embrace the power to adopt the slightest modifications of those regulations which the wisdom of Congress may suggest. It may *alter* the time in part, the places in part, and the manner in part; either or all. Any such partial alteration necessarily leaves the remainder of the subject to be acted on by State Legislation. To prescribe the whole mode of electing representatives is the entirety of the subject, over any and every part of which Congress has discretionary control. In the exercise of that control there is no limitation, it is not confined to any arbitrary classification or subdivision of the whole, as times, places and manner, but may exert just so much of its authority as it may deem fit. If it touches the subject at all, it is as much bound to carry out the whole subject and leave nothing for State legislation to fill up, as it is to carry out that particular part which it does touch. There is nothing in the language of the Constitution, or the nature of the subject requiring or authorizing a distinction between them. Thus, Congress may say, that all the elections shall be held in the month of November, or in any week of that or any other month, without designating on what particular day of the week or month, or whether the election shall be held on one only or on several days. So it may say, that every voter shall vote in the county in which he resides, without designating at what particular place or places in the county the election shall be held; or that the election shall be held by general ticket or by single districts. Each of these alterations of existing modes is as much within the competency of Congress as either of the others, or any that can be devised; they all

alike requiring State Legislation to carry them out and make a complete mode of election. Indeed there is no conceivable mode of partial legislation on this subject by Congress, which can "execute itself" in the sense of the committee. With the forced concessions of the committee, it is not even open to dispute, that Congress has the power to declare that all the elections shall be held by general ticket. Yet such a law could no more execute itself than the present one. There would still be many necessary provisions which would have to be added by State Legislation; such as, by whom the elections should be held, how the votes should be given, what evidence of the qualifications of voters should be admitted, how returns should be made, &c., &c. The States could with as much propriety in the one case as in the other say, that as Congress has undertaken to interfere in the matter, let it perfect its own legislation. We will not submit to its mandate to finish, by our legislation, its incomplete work. The unavoidable concession being made, that Congress may legislate in part, leaving the remainder of the subject untouched, it is worse than ridiculous to contend that it is not necessarily and entirely within its discretion how much shall be left for State Legislation, or that there are particular parts of the subject which may be left to such legislation, whilst there are others that cannot be so left. There being, however, no manner of partial Congressional Legislation which can "execute itself," the argument of the committee is reduced to the palpable absurdity of admitting a power, but denying that it can be exercised.

So far from there being any incongruity growing out of the nature of the subject in this partial exercise of its power by Congress, leaving the remainder to be exerted by the States, there are a peculiar fitness and propriety in its so acting, which strongly persuade us to believe that such was the intention of the framers of the Constitution. Every principle of justice and equality inculcates that, whatever be the mode, whether by single districts or general ticket, the system should be uniform throughout the Union. Mr. Madison, who, more appropriately than any other man, may be termed the Father of the Constitution, declared in the Virginia Convention, that one of the leading objects of vesting this power in Congress was to produce uniformity in the mode of election. This uniformity whether by single districts or general ticket, can be produced by Congressional Legislation only. It cannot be effected by State Legislation, because of the improbability, not to say impossibility, of 26 different States voluntarily and without concert adopting the same measures. Yet of the two, State Legislation is much the most appropriate for laying off the districts. Indeed, except in the case of a State wilfully neglecting to form districts for itself, it would be an abuse of this discretionary power for Congress to undertake to form the districts. The local information necessary to the correct performance of that duty would be measurably confined to the sitting members from each State, and they are precisely the persons to

whom such a power should not be confided, as they would have the greatest personal interest in the adjustment of the question. It has already been sufficiently ascertained that the local Legislatures, with all the direct and immediate responsibility of their members to the people, are not only not free from the bias of partyism, but that they are actually controled by that influence in the adjustment of such questions. It is much to be feared, that in Congress the formation of districts would be made solely with a view to party advantage, the majority of those making them being free from any direct responsibility to those more particularly affected by them. Whilst one political party has an undoubted majority of fifteen thousand votes in this State, it is nevertheless true that a set of districts might be formed in Congress which would give to the opposite party two-thirds or three-fourths of our Congressional delegation. This too could be done on the information and at the instigation of some of the delegation, whilst they would screen themselves from responsibility, by publicly voting against such a law. Whether the present majority of the House would be capable of perpetrating such an outrage for party purposes, we are not called upon to say. But we are free to declare, that their recent conduct, in regard to the subject under consideration, affords any thing but a guaranty that they would not. Be that however as it may, for many obvious reasons, the people will never consent, except in cases of absolute necessity, that Congress shall exercise the power of laying off the districts. The power must therefore forever remain a mere dead letter, and never be brought into practical exercise, except in the manner it was used in the last Congress; and, if that mode of its use be surrendered, the general ticket system must become the universal system in a few years. If the question were now to be settled *de novo*, all men would concur in the opinion, that Congress ought to have the power of producing uniformity, by declaring that the elections should be held by districts, and that the States ought to have the power of laying off the districts. There is, therefore, as already said, a natural fitness, instead of any incongruity, in this mode of exercising the power. The contrary assumption is authorized by neither the language nor the spirit of the Constitution, and is based upon nothing that can be perceived but the urgency of the necessity for some pretext to justify the course resolved on.

But, the committee says, Congress has no power to issue a mandamus to the States, commanding what legislation they shall adopt. This truism surely did not need the solemn enunciation of a committee of Congress in the absence of pertinency or application. It being conceded, that Congress may not only entirely change, but alter, in part, the modes of the States, surely the States must be bound to conform to the alteration; for, as the committee says, "so much of the power as shall not be embraced in the legislation of Congress, the Constitution makes it the imperative duty of the States to carry into effect." Congress having the right to exercise the

power in part, and having exercised it as far as was deemed proper, the mandate for the after legislation of the States comes not from Congress, but from the Constitution.

The committee, in the absence of all argument drawn from the language of the Constitution, attempts to assimilate this to two other cases, to neither of which does it bear the slightest analogy. First, They say that Congress, by partial legislation on the subject of bankruptcy, could not compel the States to legislate on the remainder of that subject. Certainly not, for the Constitution no where says that the States *shall* legislate on any part of that subject; but it does say they *shall* legislate on the subject of the times, places, and manner of electing representatives. Second, The committee says, that if Congress should pass a law requiring all the elections to be held on one day, without designating that day, such law would be nugatory, because there would be no certain day to which all the States would conform. This is true, and the analogy would be just, if Congress had said there should be one uniform manner without designating the manner, whether by single districts or general ticket. But in the case under consideration, the manner *is* designated and a general rule given, to which the States can as easily conform as they could to a particular day.

There is one and but one completely analogous precedent in the whole complex system of our government, which, though it could not have escaped its attention, is left wholly unnoticed by the committee. The Constitution, after declaring that each State *shall* appoint Presidential electors in the manner its Legislature may direct, goes on to say that "Congress *may* determine the time of choosing the electors." In pursuance of this provision, Congress, in 1792, passed an act, that electors shall be chosen within the thirty-four days next preceeding the first Wednesday in December, without designating any particular day or days for holding the elections, but leaving it to each Legislature to designate its own day within those limits. This law was passed by the framers of the Constitution, acquiesced in and conformed to by the Legislatures of all the States; it is in force to this day, and its validity has never been called in question. Here the Constitution left it discretionary with Congress to determine the time of holding the elections; Congress exercised only a part of the power, and, contrary to the rule laid down by the committee, its legislation was not only not complete, but could not "execute itself without the intervention of the State Legislatures," for if the Legislatures had not intervened to fix a certain day, the law would have been a mere nullity from uncertainty. The parallel between the two cases is therefore perfect, and the astutest intellect cannot detect the slightest available distinction between them. That law was as much in the nature of a mandamus from Congress to the States, commanding them to legislate upon the subject so as to supply the omission of a precise day for holding the elections, as this can be for forming the required districts. That case is even stronger

than this, for it is not absolutely beyond dispute that Congress had a right there to act only on a part of the subject.

As to the value of this precedent and its incontrovertible sanctity, we cannot do better than cite the following language of this same committee. "It is said that in the exercise of doubtful powers under the Constitution, the safest rule of construction is to be found in the practical exposition of the government itself, in all its various branches and departments, where the practice has been uniform and the acquiescence of the people general. Indeed, it has been judicially determined by the highest tribunal, that in such a case the practice establishes the construction so firmly and inflexibly that the court will not consider the question open for discussion on inquiry. If this rule should be deemed sound and incontrovertible, with what irresistible force does it apply to a case where the practice of the two governments has been uniform, the one affirming and the other conceding, by every act of legislation, the correctness of this principle, and when the people have yielded a universal acquiescence without a murmur or remonstrance, and have sanctioned it at the polls as often as the period of election has recurred." Tested either by the literal import of the language, by the spirit of the Constitution, or by the only analogous case to be found in our system, it is perfectly clear and free from all doubt, that the power in question belongs to Congress, and has been properly exercised in the only appropriate manner. If the language used in the Constitution in regard to this subject, does not confer on Congress the power claimed and exercised in the apportionment act of 1842, then the English language is not capable of conferring such a grant of power in unambiguous terms. That the occasion for its exercise did not sooner occur, or that Congress forbore to exercise it at an earlier day, does by no means establish the fact that the power is not to be found in the Constitution. The language of the Constitution is express, that "Congress may *at any time*, by law, *make* or *alter* such regulations," and of course no lapse of time could, in any degree, impair or lessen the power conferred.

In 1798, when Kentucky was one of the youngest and smallest States of the Union, our fathers took the lead in denouncing the alien and sedition laws as unconstitutional, though they had received the sanction of all the departments of the Federal Government. A greater outrage has now been perpetrated against republican institutions, and a more flagrant violation of the Constitution been consummated by its chosen guardians. Under these circumstances we feel constrained, by a sense of duty to ourselves, to our country, and to posterity, solemnly to protest against the recent action of the House of Representatives of Congress, by which the law and the Constitution have been violated and set at nought; and to call on our sister States to aid us in an appropriate manner to rebuke this most reprehensible and unprecedented conduct: wherefore—

1. *Resolved by the General Assembly of the Commonwealth of Kentucky*, That the adoption, by a majority of the States, of the general ticket system of electing Representatives to Congress, would be subversive of the true republican principle of popular representation, of the theory of the Constitution, and inflict an irremediable national calamity.

2. That at the time of the adoption of the apportionment act of 1842, there was urgent need of the interposition of Congress, by prescribing the district system, to prevent the further spread of a great national evil.

3. That the manner in which Congress did interpose by the second section of that act, was not merely within its undoubted competency, but was in the only rightful manner in which Congress should ever exercise its discretionary power over that subject, except in the case of a State wilfully neglecting to adopt the necessary legislation.

4. That Congress having prescribed the general rule, it is the plain duty of the States, under the imperative mandate of the Constitution, to conform thereto by all needful legislation.

5. That the power in Congress to produce uniformity in the mode of elections, by prescribing the district system as the only mode, is vitally important to the well-being of the republic; and it is the duty of the Senators and Representatives of Kentucky to resist all attempts to annul or abrogate that power, as exercised in the second section of the apportionment act of 1842.

6. That in behalf of the people of this Commonwealth, we do most solemnly *protest* against the recent action of the House of Representatives in Congress, in nullifying that law, as a flagrant abuse of the power of that House, and an outrageous violation of the Constitution and the law.

7. That the aid of all the States of this Union is hereby invoked to bring down upon that action appropriate censure and correction.

8. That the Governor of this State be requested to forward a copy of the foregoing preamble and resolutions to each of our Senators and Representatives in Congress.

JOHN L. HELM,
Speaker of the House of Representatives.

MANLIUS V. THOMPSON,
Speaker of the Senate.

APPROVED MARCH 1, 1844.

R. P. LETCHER.

BY THE GOVERNOR:

JAMES HARLAN, *Secretary of State.*

No. 9.

STATE OF GEORGIA.

RESOLUTION RELATIVE TO REPUDIATION OF STATE DEBTS.

The committee on the State of the Republic, to which was referred certain resolutions from the State of New Jersey, upon the subject of the Repudiation of State debts, have given the same that attention and reflection which they deemed their importance demanded, and the result of their deliberations is the following resolutions, which they ask may be adopted by the Senate and House of Representatives:

Resolved, That we regard the slightest breach of plighted faith, public or private, as an evidence of a want of that moral principle upon which all obligation depends. That when any State in this Union shall refuse to recognize her great Seal as the sufficient evidence of her obligation, she will have forfeited her station in the sisterhood of States, and will no longer be worthy of their confidence or respect.

Resolved, That His Excellency the Governor be requested to transmit copies of the foregoing resolution to the Governor of each of the several States, with a request that he will cause the same to be laid before the Legislature thereof.

CHARLES DOUGHERTY,
President of the Senate.

CHARLES J. JENKINS,
Speaker of the House of Representatives.

Approved December 25th, 1843.

GEORGE W. CRAWFORD, *Governor.*

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No. 10.

STATE OF GEORGIA.

RESOLUTIONS RELATIVE TO EXCHANGING DOCUMENTS WITH OTHER STATES.

Resolved by the Senate and House of Representatives, That this Legislature regard with high approbation the plan of the several States interchanging documents, copies of their laws, decisions, as proposed by the Legislature of the State of South Carolina, and hope that it will be universally adopted.

Resolved, That it shall be the duty of the Secretary of State to transmit regularly hereafter, to the Executive of the several States, a printed copy of our annual acts of Assembly, and a copy of the decisions of our courts.

Resolved, That a copy of the foregoing resolutions be transmitted to the Executive of each of the States.

CHARLES DOUGHERTY,
President of the Senate.

CHARLES J. JENKINS,
Speaker of the House of Representatives.

Approved December 25th, 1843.

GEORGE W. CRAWFORD, *Governor.*

SECRETARY OF STATE'S OFFICE,
Milledgeville, 30*th March*, 1844.

SIR: In obedience to the foregoing resolutions, I have the honor to transmit copies of the laws passed by the last Legislature, and of decisions made by the courts of this State.

Respectfully,
Your obedient servant,
N. C. BARNETT,
Secretary of State.

His Excellency the Governor of Indiana.

On motion by Mr. Defrees,

The message and accompanying documents were referred to the committee on federal relations.

The President laid before the Senate the following communication from R. Mayhew, Treasurer of State:

TREASURER'S OFFICE,
Indianapolis, January 3, 1845.

HON. J. D. BRIGHT,
President of the Senate:

In answer to the resolution of the Senate, passed on yesterday, and handed me this day, I have the honor to state, that the registers of this office show that on the first of February, 1842, there was issued of five dollar treasury notes, bearing one quarter of one per cent. interest, the sum of seventy thousand dollars ($70,000).

That there has been paid out of said quarter per cent. notes in exchange for the fifty dollar treasury notes, the sum of forty-one thousand two hundred and fifty dollars ($41,250).

And there is now in the treasury, of said quarter per cent. treasury notes, which have never been paid out, the sum of twenty-eight thousand seven hundred and fifty dollars ($28,750).

Most respectfully,

Your obedient servant,

R. MAYHEW.

Which,

On motion by Mr. Ritchey,

Was referred to the committee on finance.

Mr. Chapman of Daviess presented the petition of Wm. Jackson and others, citizens of the county of Daviess, on the subject of a State road therein named;

Which was referred to a select committee.

Ordered, That said committee consist of Messrs. Chapman of Daviess, Buell of Dearborn, and Allison.

Mr. Wood asked and obtained leave to withdraw from the files of the Senate the petition of George Atkinson and others.

Mr. Rockhill presented the petitions of E. Pierce and others, citizens of the county of Allen, praying for the passage of a law to confine voters to their own townships;

Which was referred to the committee on the judiciary.

Mr. Chapman of Laporte, chairman of the committee on the judiciary, submitted the following report:

MR. PRESIDENT:

The committee on the judiciary, to whom was referred bill of the House of Representatives No. 83, "A bill to authorize plaintiffs to collect the bid of purchasers at sheriffs' and constables' sales, and to repeal the 429th section of the 40th chapter of the Revised Statutes of 1843," have, according to order, had the same under consideration, and have directed me to report the same back, without amendment, and recommend its passage.

On motion by Mr. Chapman of Laporte,

The rule of the Senate was suspended,

The bill read a third time, and passed.

Ordered, That the Secretary inform the House of Representatives thereof.

Mr. Stanford, chairman of the committee on education, submitted the following report:

MR. PRESIDENT:

The committee on education, to whom was referred bill No. 210, of the Senate, entitled, "A bill to extend the time of payment to the purchasers of school lands in Vanderburgh county," with instructions to make the provisions of the bill general, report, that

they have performed that duty by making one amendment thereto, which is, to strike out the words "Vanderburgh county," in the fifth line of the first section; in which I am instructed to ask the concurrence of the Senate.

On motion by Mr. Chapman of Laporte,

The report of the committee was concurred in, with the following amendment:

Strike out from the first section of the bill the word "ten," and insert "five years from and after the passage of this act."

Mr. Lane moved to strike out the word "five" from the bill, and insert the word "six;"

Which was agreed to.

Mr. Buell of Dearborn moved to amend the bill so as to extend its provisions to borrowers of the school fund;

Which wns agreed to.

Mr. Lane moved to suspend the rule of the Senate and read the bill a third time now;

The ayes and noes being desired by two Senators,

Those who voted in the affirmative are,

Messrs. Akin, Allison, Berry, Bowers, Bradbury, Buell of Dearborn, Buell of Warren, Carr, Chapman of Daviess, Cotton, Dole, Duzan, Ewing, Hamer, Herriman, Hodge, Holloway, Hutton, Jackson, Lane, Leviston, Major, Miller, Morgan of Decatur, Orth, Parks, Pennington, Read, Reyburn, Rippey, Rockhill, Stanford, Tannehill and Todd—34.

Those who voted in the negative are,

Messrs. Alexander, Chapman of Laporte, Davis, Edmonson, Farmer, Goodenow, Henry, Jones, Kennedy, Logan, Moore, Morgan of Rush, Ritchey, and Wood—14.

So the bill was read a third time.

Mr. Buell of Warren moved to refer the bill to a select committee, with instructions to amend the bill, by adding after the word "shall" in the first section, the following words: "if the county auditors deem the safety of the fund to require it."

Mr. Goodenow moved to amend the instructions, by adding a provision for the payment of seven per cent. interest;

Which was not agreed to.

The motion to refer to a select committee was then agreed to.

Ordered, That said committee consist ot Messrs. Buell of Warren, Lane and Buell of Dearborn.

Mr. Duzan, from the committee on education, submitted the following report:

MR. PRESIDENT:

The committee on education to whom was referred bill of the Senate,

No. 212. For the relief of the borrowers of the school fund, in Daviess county,

Have had the same under consideration and have directed me to report it back for the consideration of the Senate.

On motion by Mr. Stanford,

Ordered, That the said bill lie on the table.

Mr. Stanford, chairman of the committee on education, submitted the following report:

MR. PRESIDENT:

The committee on education to whom was referred

No. 125 of the Senate, entitled a bill to amend the 102d section of the 13th chapter of the Revised Statutes, have duly considered the same and have directed me to report, that, in their opinion, legislation on that subject is not necessary; they would therefore recommend the indefinite postponement of the bill.

Ordered, That the report of the committee be concurred in, and the further consideration of the bill be indefinitely postponed.

Mr. Chapman of Laporte, chairman of the committee on the judiciary, submitted the following report:

MR. PRESIDENT:

The committee on the judiciary, to whom was referred bill of the House,

No. 72. A bill to confine voters to their respective townships;

Have had the same under consideration, and have directed me to report the same back with one amendment, and upon the adoption of the same, to recommend the passage of the bill.

Strike out from the enacting clause, and insert the following:

That hereafter no person shall be permitted to vote at any election for State or county officers, or for electors of President and Vice President of the United States, except in the township of which such person shall be a resident, at the time of such election.

Sec. 2. Any person who shall violate the provisions of this act shall, upon conviction thereof by presentment or indictment, be subjected, and liable to the same penalties now imposed by law upon persons guilty of illegal voting.

Mr. Edmonson moved to suspend the rule of the Senate, and read the bill a third time now.

The ayes and noes being desired by two Senators,

Those who voted in the affirmative are,

Messrs. Akin, Alexander, Berry, Bowers, Bradbury, Buell of Dearborn, Buell of Warren, Carr, Chapman of Daviess, Chapman of Laporte, Davis, Defrees, Dole, Duzan, Edmonson, Ewing, Goodenow, Hamer, Holloway, Hutton, Jackson, Jones, Kennedy, Leviston, Logan, Major, Miller, Moore, Morgan of Decatur, Morgan of Rush, Orth, Parks Pennington, Read, Reyburn, Rippey, Rockhill, Stanford, Tannehill, Todd, and Wood—41.

Those who voted in the negative are,

Messrs. Allison, Cotton, Farmer, Henry, Herriman, Hodge, and Ritchey—7.

So the rule of the Senate was suspended,

The bill read a third time, and,

On the question, "Shall the bill pass?"

The ayes and noes were desired by two Senators,

And were as follows:

Those who voted in the affirmative are,

Messrs. Berry, Bowers, Bradbury, Buell of Dearborn, Carr, Chapman of Daviess, Chapman of Laporte, Coffin, Davis, Defrees, Duzan, Edmonson, Ewing, Goodenow, Holloway, Hutton, Jackson, Jones, Kennedy, Leviston, Logan, Major, Miller, Moore, Morgan of Rush, Orth, Parks, Pennington, Reyburn, Rippey, Ritchey, Rockhill, Stanford, Tannehill, Todd and Wood—36.

Those who voted in the negative are,

Messrs. Akin, Alexander, Allison, Cotton, Dole, Farmer, Hamer, Henry, Herriman, Hodge, Morgan of Decatur, and Read—12.

So the bill passed.

Ordered, That the Secretary inform the House of Representatives thereof.

Mr. Goodenow, from the committee on education, submitted the following report:

MR. PRESIDENT:

The committee on education, to whom was referred a petition from sundry citizens of the county of Monroe, praying for the passage of an act amendatory of an act, incorporating the Monroe county female seminary, have had the same under consideration, and have directed me to report the following bill, and recommend its passage:

No. 213. A bill amendatory of an act, entitled, an act to incorporate the Monroe county female seminary, approved Jan. 22, 1833;

Which was read, and,

On motion by Mr. Farmer,

The rule of the Senate was suspended,

The bill read a second time and ordered to be engrossed.

Mr. Stanford, chairman of the committee on education, submitted the following report:

MR. PRESIDENT:

The committee on education, to whom was referred bill of the Senate,

No. 201. For the relief of purchasers of school lands;

Have, according to order, examined the provisions of the same, and have directed me to report the bill back to the Senate, and recommend its passage.

On motion by Mr. Chapman of Laporte,

Ordered, That the report and bill lie upon the table.

Mr. Stanford moved a reconsideration of the vote, concurring in the report of the committee, on bill,

No. 125. Entitled, a bill to amend the 102d section of the 13th chapter of the Revised Statutes;

Which was agreed to,

And the Senate refused to concur in the report of the committee, recommending the indefinite postponement of the bill.

On motion by Mr. Stanford,

The rule of the Senate was suspended,

The bill read a third time and passed.

Ordered, That the Secretary inform the House of Representatives thereof, and ask their concurrence.

Mr. Goodenow, from the committee on education, submitted the following report:

MR. PRESIDENT:

The committee on education, to whom was referred a resolution of the Senate, directing an inquiry into the sufficiency of official bonds of officers having the management of school funds, have had the same under consideration, and have directed me to report, that it is the opinion of the committee, that in the 15th article of the 4th chapter of the Revised Statutes, the subject matter of the resolution, is amply provided for, and that legislation on the subject is inexpedient.

Ordered, That the report of the committee be concurred in.

Mr. Jones, chairman of the committee on canals and internal improvements, submitted the following report:

MR. PRESIDENT:

The committee on canals and internal improvements, to whom was referred bill of the Senate,

No. 119. Entitled, "an act to authorize the re-occupancy (by the original proprietors,) of lands set off to the use of the State under the various acts in relation to internal improvements;"

Have had the same under consideration, and have directed me to report it back, and respectfully recommend its passage.

Mr. Todd moved to amend the bill, by adding as an additional section, the following words:

Sec. —. That in all cases when a re-occupation shall take place under the provisions of this act, and it shall be necessary for the State or its authorized agents, or any company at any time thereafter to take possession of the premises or grounds so re-occupied by virtue of any law now in existence, or which may hereafter be passed by the General Assembly, the State by its agents or the said company by its agents, are hereby authorized to take possession of the same, in as full property and with the same rights as if this act had not passed.

Which was agreed to.

Mr. Chapman of Laporte, moved to amend the bill by adding the following proviso:

"*Provided*, That the provisions of this act shall not extend to persons who have received any compensation from the State of Indiana for said property, or the injury done thereto."

Which was agreed to.

The bill was then ordered to be engrossed.

Mr. Goodenow, on behalf of the minority of the committee on canals and internal improvements, submitted a report counter to the report made by the majority of said committee, on the subject of the Wabash and Erie canal; which,

On motion by Mr. Edmonson,

Was ordered to lie upon the table.

Mr. Edmonson moved that 100 copies be printed for the use of the Senate.

Mr. Ritchey moved to amend, by saying 200 copies;

Which was agreed to.

Mr. Reyburn moved to suspend the order of business to take up the following

Message from the House, by Mr. Farquhar, their Clerk:

MR. PRESIDENT:

The House of Representatives has passed an engrossed bill thereof entitled:

No. 309. An act to legalize the publication of the lands returned

and remaining delinquent, and sale thereof, for taxes due thereon in the county of Cass, for the years eighteen hundred and forty-one, forty-two, and forty-three:

In which I am directed to ask respectfully the concurrence of the Senate.

Which was agreed to.

House bill 309, contained in the message,

Was read, and,

On motion by Mr. Reyburn,

The rule of the Senate was suspended, the bill read a second and third times, and passed.

Ordered, That the secretary inform the House of Representatives thereof.

Mr. Ritchey presented the following communication from R. Mayhew, Esq., Treasurer of State:

TREASURER'S OFFICE,
Indianapolis, January 4th, 1845.

HON. JAMES RITCHEY:

On the subject of our conversation this morning, (expense of striking $200,000 of treasury notes,) on enquiry, I believe it would cost about $800. But since I saw you, I have made a discovery, of which I was before unapprised, viz: That there is a large lot of quarter per cent. treasury notes struck off, (probably the full amount above mentioned,) which were deposited by, or with the fund commissioners, in one of the vaults of the State Bank, which I design to have examined to-day, by the committee of ways and means, if convenient for them. From a slight examination of this lot of scrip so found, there appears to be some of the six per cent. scrip entirely prepared for circulation, which will make it necessary to examine it without delay.

I can give further information, after the examination. The scrip I mentioned yesterday in my answer to the Senate's resolution, referred to that in this office already prepared for circulation, and which is charged on the treasury books.

Perhaps it would be some satisfaction to the Senate, to have the above additional information. If you think so, please communicate it.

Very respectfully,
Your obedient servant,
R. MAYHEW.

Mr. Pennington, chairman of the committee on public buildings, submitted the following report:

MR. PRESIDENT:

The committee on public buildings, to whom a resolution of the Senate was referred, instructing them to enquire into the expediency of causing the Senate Chamber and Hall of the House of Representatives to be heated by rarified air, with leave to report by bill or otherwise, beg leave to report, that they have given the subject their serious attention, as much so as the time alotted to them will admit. The State Bank is so heated, and has been examined, and the cost of constructing the same, which amounts to one thousand dollars or thereabouts.

And we are of the opinion that the State House could not be heated as proposed, for less than two thousand dollars. Your committee are informed that one cord of wood would be sufficient for one day. In that respect it would take less fuel perhaps, but as regards health, your committee is not prepared to say which mode would be best; but they believe the present mode is the best. Your committee therefore think it inexpedient to legislate on that subject; and ask to be discharged from the further consideration thereof.

Ordered, That the report of the committee be concurred in, and that they be discharged from the further consideration of the subject.

Mr. Leviston, from a select committee, submitted the following report:

MR. PRESIDENT:

The select committee, to which was referred the petition of sundry citizens of the counties of Fayette and Wayne, praying an amendment to an act entitled "an act to incorporate the Cambridge City and Venice Turnpike Company," have had that subject under consideration, and directed me to report the following bill, and recommend its passage:

No. 214. A bill to amend an act entitled, "An act to incorporate the Cambridge City and Venice Turnpike Company," approved February 6, 1843.

Which was read, and,

On motion by Mr. Leviston,

The rule of the Senate was suspended and the bill read a second time.

Mr. Berry moved to amend the bill by adding as an additional section, the following words:

SEC. —. The stockholders shall be individually liable for all debts contracted and not paid in their corporate capacity, in proportion to the amount of stock held by each; and should the officers of the company contract debts beyond the amount of stock subscribed by solvent stockholders, by which they shall obtain the labor or property

of any person or persons, and fail to pay the same when due, they shall be liable to indictment, and upon conviction, dealt with as persons obtaining property under false pretences.

Mr. Defrees moved to lay the amendment upon the table:

The ayes and noes being desired by two Senators,

Those who voted in the affirmative are,

Messrs. Alexander, Allison, Bradbury, Buell of Warren, Chapman of Daviess, Defrees, Dole, Ewing, Goodenow, Hodge, Holloway, Hutton, Leviston, Moore, Morgan of Decatur, Morgan of Rush, Orth, Parks, Read, Reyburn, Stanford, Tannehill, Todd and Wood—24.

Those who voted in the negative are,

Messrs. Berry, Bowers, Buell of Dearborn, Chapman of Laporte, Coffin, Duzan, Edmonson, Hamer, Henry, Herriman, Jackson, Jones, Kennedy, Lane, Logan, Major, Rippey, Ritchey and Rockhill—19.

So the amendment was ordered to lie upon the table.

The bill was then ordered to be engrossed.

Mr. Goodenow, from a select committee, submitted the following report:

MR. PRESIDENT:

The select committee to whom was referred bill of the Senate No. 138, repealing an act entitled "An act to amend an act, entitled an act granting to the citizens of Madison and the town of Lawrenceburgh, a city charter," approved January 15th, 1844, have had the bill under consideration, and have directed me to report the same back with one amendment, and recommend its passage.

Amend the bill by adding after the word "repealed," the following words: "so far as the same relates to the city of Madison."

The amendment of the committee was then concurred in.

On motion by Mr. Goodenow,

The rule of the Senate was suspended,

The bill read a third time, and passed.

Ordered, That the Secretary inform the House of Representatives thereof, and ask their concurrence.

Mr. Tannehill, from a select committee, submitted the following report:

MR. PRESIDENT:

The select committee to whom was referred bill of the House, No. 38. Entitled, a bill authorizing the board of commissioners of

Bartholomew county to erect a toll bridge across the Driftwood fork of White river, at Columbus;

Have had the same under consideration, and have directed me to report the bill back to the Senate without amendment, and recommend its passage.

On motion by Mr. Tannehill,

The rule of the Senate was suspended,

The bill read a third time and passed.

Ordered, That the Secretary inform the House of Representatives thereof.

On motion by Mr. Davis,

The Senate adjourned.

2 *o'clock, P. M.*

The Senate assembled.

Mr. Tannehill, from a select committee, submitted the following report:

MR. PRESIDENT:

The select committee, to whom was referred bill of the House, No. 44. Entitled, a bill to repeal the act entitled, an act relative to overseers of the poor, approved January 13, 1844, so far as the same is in force in Bartholomew and Spencer counties;

Have had the same under consideration, and have directed me to report the same back to the Senate, without amendment, and recommend its passage.

On motion by Mr. Tannehill,

The rule of the Senate was suspended,

The bill read a third time and passed.

Ordered, That the Secretary inform the House of Representatives thereof.

Mr. Dole, from a select committee, submitted the following report:

MR. PRESIDENT:

The select committee to whom was referred bill of the House, No. 268. A bill to locate a State road in the counties of Vermillion and Vigo;

Have had the same under consideration, and have directed me to report the bill, with the following amendments, and upon their adoption, recommend its passage:

Amend the second section of the bill, by inserting after the word "commissioners," in the first line, the words, "or a majority of them."

Also, amend the fourth section, by inserting, "or a majority of them," after the word "commissioners," in the first line.

Ordered, That the amendments of the committee be concurred in.

On motion by Mr. Dole,

The rule of the Senate was suspended,

The bill read a third time and passed.

Ordered, That the Secretary inform the House of Representatives thereof.

Mr. Hamer, from a select committee, submitted the following report:

MR. PRESIDENT:

The select committee to whom was referred bill of the House, No. 275. Entitled, a bill to amend the seventh article of the 13th chapter of the Revised Statutes of 1843;

Have had the same under consideration, and have directed me to report the same back without amendment and recommend its passage.

On motion by Mr. Hamer,

The rule of the Senate was suspended,

The bill read a third time and passed.

Ordered, That the Secretary inform the House of Representatives thereof.

Mr. Tannehill, from a select committee, submitted the following report:

MR. PRESIDENT:

The select committee to which was referred bill of the House, No. 88. A bill to incorporate the town of Columbus, in the county of Bartholomew, Indiana, approved February 6, 1839, and for other purposes;

Have had the same under consideration, and have directed me to report the same back to the Senate, without amendment, and recommend its passage.

On motion by Mr. Tannehill,

The rule of the Senate was suspended,

The bill read a third time and passed.

Ordered, That the Secretary inform the House of Representatives thereof.

Mr. Chapman of Daviess, from a select committee, submitted the following report:

MR. PRESIDENT:

The select committee to whom was referred bill of the House, No. 28. A bill to re-locate the county seat of Martin county;

Have had the same under consideration, and have directed me to report it back without amendment, and recommend its passage:

On motion by Mr. Chapman,

The rule of the Senate was suspended,

The bill read a third time and passed.

Ordered, That the Secretary inform the House of Representatives thereof.

Mr. Bradbury, from a select committee, submitted the following report:

MR. PRESIDENT:

The select committee to which was referred the petition of James Murray and others, praying for a charter of incorporation for a turnpike road, from Cambridge City, in Wayne county via Dublin to Newcastle in Henry county, thence to Muncietown in Delaware county, have, according to order, had that subject under consideration, and have directed me to report the following bill, and recommend its passage:

No. 215. A bill authorizing a company to construct a turnpike road from Cambridge City to Muncietown;

Which was read.

On motion by Mr. Bradbury,

The rule of the Senate was suspended,

The bill read a second time, and,

On motion by Mr. Herriman,

Was referred to the committee on corporations.

Mr. Orth, from a select committee, submitted the following report:

MR. PRESIDENT:

The select committee to whom was referred a petition praying for the construction of a bridge over the Wabash and Erie canal at Lafayette, have, according to order, had the same under consideration, and instructed me to report the following bill and recommend its passage:

No. 216. A bill to authorize the construction of a bridge over the Wabash and Erie canal, at Lafayette;

Which was read, and,
On motion by Mr. Orth,
The rule of the Senate was suspended,
And the bill read a second and third times.

Mr. Dole moved to re-commit the bill to the committee on canals and internal improvements, with instructions to amend the bill so as to provide that said bridge shall be paid for out of the fund belonging to the canal east of Tippecanoe river.

Which was not agreed to.

The question was then taken on the passage of the bill,
And it was not passed.

Mr. Herriman moved to re-consider the vote just taken,
Which was not agreed to.

Mr. Buell of Warren, from a select committee, submitted the following report:

MR. PRESIDENT:

The select committee to whom was referred bill of the Senate,
No. 210. A bill to extend the time of payment to purchasers of school lands;
Have amended the same according to the instructions, and now report the same back, and recommend its passage.

And the bill passed.

On motion by Mr. Akin,
The title of the bill was amended by adding after the word "lands," the words "and borrowers of the school fund."

Ordered, That the Secretary inform the House of Representatives thereof, and ask their concurrence therein.

On motion by Mr. Edmonson,

Resolved, That the committee on finance be instructed to inquire into the provisions of the law in relation to the compensation of the superintendents on the New Albany and Vincennes road, and the Central canal, and report whether that law is sufficient to justify the auditor and treasurer to audit and pay the same.

Mr. Hodge submitted the following resolution:

Resolved, That the committee on the judiciary be instructed to enquire into the justice and propriety of so amending our laws as to allow colored persons to give evidence in all cases where the matter in controversy grows out of contracts between them and the whites, and in all cases of injury to their persons and property by the whites, both in civil and criminal cases;

Which was not agreed to.

On motion by Mr. Edmonson,

Resolved, That the Secretary of State be requested to report to the Senate, at as early a day as practicable, what number of copies

of the Revised Statutes of 1843, are yet remaining in his office not disposed of.

Mr. Chapman of Laporte, introduced,
No. 179. A bill to incorporate the Valparaiso turnpike company;
Which was read.

On motion by Mr. Chapman of Laporte,
The rule of the Senate was suspended, the bill read a second time, and referred to the committee on corporations.

Mr. Bowers introduced,
No. 218. A bill relative to overseers of the poor in Ripley county;
Which was read.

On motion by Mr. Bowers,
The rule of the Senate was suspended,
The bill read a second time,
And ordered to be engrossed.

Mr. Goodenow introduced,
No. 219. A bill to incorporate the Philalethian Literary Society of South Hanover College;
Which was read.

On motion by Mr. Goodenow,
The rule of the Senate was suspended,
The bill read a second and third times, and passed.

Ordered, That the Secretary inform the House thereof, and ask their concurrence.

Mr. Hamer introduced,
No. 220. A bill on the subject of the limitation of actions upon judgments rendered before justices of the peace;
Which was read.

On motion by Mr. Hamer,
The rule of the Senate was suspended, the bill read a second time, and referred to the judiciary committee.

Mr. Berry introduced,
No. 221. A bill to prevent swindling;
Which was read, and,

On motion by Mr. Berry,
The rule of the Senate was suspended, the bill read a second time, and referred to the committee on the judiciary.

Mr. Coffin introduced,
No. 222. A bill to vacate a certain part of the town of Numa, in the county of Parke;
Which was read.

On motion by Mr. Coffin,
The rule of the Senate was suspended,
The bill read a second and third times, and passed.

Ordered, That the Secretary inform the House thereof, and ask their concurrence.

Mr. Farmer introduced,

No. 223. A bill relative to the fifth and tenth judicial circuits of the State of Indiana;

Which was read.

On motion by Mr. Farmer,

The rule of the Senate was suspended and the bill read a second time.

Mr. Parks moved to indefinitely postpone the further consideration of the subject.

The ayes and noes were desired by two Senators,

Those who voted in the affirmative are,

Messrs. Akin, Alexander, Bradbury, Buell of Dearborn, Carr, Chapman of Laporte, Cotton, Davis, Defrees, Dole, Duzan, Edmonson, Henry, Herriman, Hutton, Jackson, Jones, Kennedy, Lane, Leviston, Logan, Major, Miller, Moore, Morgan of Decatur, Morgan of Rush, Parks, Reyburn, Rippey, Ritchey, Rockhill, Stanford, Tannehill, and Wood—34.

Those who voted in the negative are,

Messrs. Allison, Berry, Bowers, Chapman of Daviess, Coffin, Farmer, Hamer, Hodge, Read, and Todd—10.

So the further consideration of the bill was indefinitely postponed.

Mr. Duzan introduced,

No. 224. A bill repealing the 14th section of an act entitled, "An act to locate certain State roads therein named, and for other purposes," approved January 15th, 1844;

Which was read.

On motion by Mr. Duzan,

The rule of the Senate was suspended,

The bill read a second and third times, and passed.

Ordered, That the Secretary inform the House of Representatives thereof and ask their concurrence.

Mr. Buell of Dearborn introduced,

No. 225. A bill to divide the county of Dearborn into county commissioner districts;

Which was read,

On motion by Mr. Buell of Dearborn,

The rule of the Senate was suspended, the bill read a second time, and ordered to be engrossed.

Mr. Buell of Dearborn introduced,

No. 226. A bill authorizing the President and Council of the town of Lawrenceburgh to subscribe for and take part of the capital stock of the Lawrenceburgh and Napoleon Turnpike Company;

Which was read.

On motion by Mr. Buell of Dearborn,

The rule of the Senate was suspended, and the bill read a second time.

Mr. Ewing moved to amend the bill, by adding the following words:

"*Provided however*, That nothing herein contained shall be deemed or taken as involving the State in any liability or responsibility for the redemption of the bonds hereby authorized or for payment of interest thereon;"

On motion by Mr. Buell of Dearborn,

The rule of the Senate was further suspended,

The bill read a third time and passed.

Ordered, That the Secretary inform the House of Representatives thereof, and ask their concurrence.

Mr. Rockhill introduced,

No. 227. An act authorizing a change in the application of water power at dam No. 1, near the forks of the Wabash;

Which was read, and,

On motion by Mr. Rockhill,

The rule of the Senate was suspended, the bill read a second time, and ordered to be engrossed.

Mr. Miller introduced,

No. 228. A bill to authorize the several boards doing county business in this State to equalize the assessment of real estate;

Which was read.

On motion by Mr. Miller,

The rule of the Senate was suspended, the bill read a second time, and referred to the committee on finance.

Mr. Farmer introduced,

No. 229. A bill to fix the time of holding courts in the tenth judicial circuit;

Which was read.

On motion by Mr. Parks,

The rule of the Senate was suspended, the bill read a second time, and referred to a select committee.

Ordered, That said committee consist of Messrs. Parks, Farmer and Allison.

The President laid before the Senate the following communication and accompanying documents:

To the Senate:

In accordance with the request therein contained, I herewith transmit the following resolutions of the legislature of the State of Connecticut, viz:

1. A resolution relating to the repudiation of State debts;

2. Resolutions relating to the annexation of Texas to the United States;

3. Resolutions against the assumption of State debts by the General Government.

With great respect,
JAS. WHITCOMB.

January 4th, 1845.

No. 1.

RESOLUTIONS RELATING TO THE REPUDIATION OF STATE DEBTS.

At a General Assembly of the State of Connecticut, holden at New Haven in said State, on the first Wednesday in May, A. D. 1844.

Resolved, That the preservation of the public faith being the foundation of national wealth and national character, and deeply affecting the public morals, is the first great duty of every government; and that Connecticut would deem it a national disgrace, for any State of this Union to refuse or neglect to apply the ability which it is known to possess, to the payment of its just debts.

Resolved, That his Excellency the Governor be requested to transmit a copy of the foregoing resolution to the Governor of each of the several States, with a request that he will cause the same to be laid before the Legislature thereof.

A true copy:
Attest. DAN'L P. TYLER,
Secretary of State.

—

No. 3.

RESOLUTIONS RELATING TO THE ASSUMPTION OF STATE DEBTS.

At a General Assembly of the State of Connecticut, holden at New Haven, on the first Wednesday in May, A. D. 1844.

Resolved, That Connecticut is, and ever has been opposed to the assumption of the debts of the several States by the General Government, and would regard such assumption as unjust, degrading to the sovereignty and fatal to the independence of the States.

Resolved, That his Excellency the Governor be requested to transmit copies of the foregoing resolution to the Governor of each of the several States, with a request that he will cause the same to be laid before the Legislature thereof.

A true copy:
Attest. DAN'L P. TYLER,
Secretary of State

The President laid before the Senate the following communication from his Excellency the Governor, with the accompanying document:

To the Senate:

In compliance with the request therein contained, certain resolutions of the Legislature of the State of Mississippi, in relation to the annexation of Texas to the United States, are herewith communicated to the General Assembly.

With great respect,
JAS. WHITCOMB.

January 4, 1845.

Mr. Duzan, from the joint committee on enrolled bills, submitted the following report:

MR. PRESIDENT:

The committee on enrolled bills have compared the following enrolled, with the engrossed bill of the Senate, and have found the same correctly enrolled, to-wit:

No. 14. An act to legalize certain proceedings therein named.

Message from the House of Representatives, by Mr. Farquhar, their clerk:

MR. PRESIDENT:

The Speaker of the House of Representatives has signed enrolled bill of the Senate, entitled,

No. 14. An act to legalize certain proceedings therein named;

Which I have been directed to bring to the Senate for the signature of the President thereof.

And thereupon the President affixed his signature to the said enrolled bill, and it was delivered to the joint committee on enrolled bills, to be presented to his Excellency the Governor, for his approval and signature.

Mr. Duzan, from the joint committee on enrolled bills, submitted the following report:

MR. PRESIDENT:

The joint committee on enrolled bills did, on the 4th instant, present to his Excellency the Governor, for his approbation and signature, the following enrolled bill of the Senate, to-wit:

No. 14. An act to legalize certain proceedings therein named.

Message from his Excellency the Governor, by T. Brown Kinder, his private Secretary:

MR. PRESIDENT:

I am instructed by his Excellency the Governor, to inform the Senate, that he has this day approved and signed the following act:

An act to legalize certain proceedings therein named,

Which originated in the Senate.

Message from the House of Representatives, by Mr. Farquhar, their clerk.

MR. PRESIDENT:

The House of Representatives have passed an engrossed bill thereof, of the following title:

No. 156. An act for the relief of Milton Stapp;

In which I have been directed to ask respectfully the concurrence of the Senate.

House bill,

No. 156. A bill for the relief of Milton Stapp;

Contained in the message,

Was read, and,

On motion by Mr. Davis,

The rule of the Senate was suspended,

The bill read a second time, and

Referred to the committee on finance.

Message from the House of Representatives, by Mr. Farquhar, their clerk.

MR. PRESIDENT:

The Speaker of the House of Representatives has signed the following enrolled bill of the House:

No. 309. An act to legalize the publication of the lands returned and remaining delinquent, and sale thereof, for taxes due thereon, in the county of Cass, for the years 1841, '42, and '43;

Which I have been directed to bring to the Senate for the signature of the President thereof.

Thereupon the President affixed his signature to said enrolled bill, and it was delivered to the joint committee on enrolled bills, to be presented to his Excellency the Governor, for his approval and signature.

Message from the House of Representatives, by Mr. Farquhar, their clerk.

MR. PRESIDENT:

The House of Representatives has passed engrossed bills thereof, viz:

No. 40. An act fixing the time of holding courts in the 8th judicial circuit;

No. 238. An act for the extension of the time of holding the probate courts in the county of Allen, and for other purposes;

No. 249. An act to amend an act, entitled, "an act for the relief of Ann Frankbower," approved January 15, 1844;

No. 251. An act to extend the term of February, A. D. 1845, of the Miami probate court;

Also, the following engrossed joint resolution thereof:

No. 48. A joint resolution in relation to a grant of land for the completion of the northern end of the Central canal;

In which bills and joint resolution the concurrence of the Senate is requested.

House bill,

No. 40. A bill fixing the time of holding courts in the 8th jucicial circuit;

Contained in the foregoing message,

Was read.

On motion by Mr. Chapman of Laporte,

The rule of the Senate was suspended,

The bill read a second time,

And referred to a select committee.

Ordered, That said committee consist of Messrs. Hodge, Reyburn, and Coffin.

House bill,

No. 238. A bill for the extension of the time of holding the probate courts in the county of Allen, and for other purposes;

Contained in the foregoing message,

Was read.

On motion by Mr. Rockhill,

The rule of the Senate was suspended,

The bill read a second time and ordered to a third reading.

House bill,

No. 249. An act to amend an act, entitled, "an act for the relief of Ann Frankbower," approved January 15, 1844;

Contained in the foregoing message,

Was read.

On motion by Mr. Tannehill,

The rule of the Senate was suspended,

The bill read a second and third times and passed.

Ordered, That the Secretary inform the House of Representatives thereof.

House bill,

him to move a reconsideration of the vote taken upon bill of the House,

No. 156. A bill for the relief of Milton Stapp;

Which was agreed to.

Mr. Tannehill then moved to reconsider the vote on said bill, referring it to the committee on finance.

The ayes and noes being desired by two Senators,

Those who voted in the affirmative are,

Messrs. Alexander, Allison, Bowers, Bradbury, Coffin, Cotton, Davis, Defrees, Dole, Ewing, Goodenow, Hamer, Henry, Herriman, Holloway, Jones, Reyburn, and Tannehill—18.

Those who voted in the negative are,

Messrs. Berry, Buell of Dearborn, Carr, Chapman of Daviess, Chapman of Laporte, Duzan, Edmonson, Farmer, Hodge, Hutton, Jackson, Kennedy, Lane, Leviston, Logan, Major, Miller, Moore, Morgan of Decatur, Morgan of Rush, Parks, Pennington, Read, Rippey, Ritchey, Rockhill, Stanford, Todd, and Wood—28.

So the vote was not reconsidered.

Mr. Wood presented the petition of sundry citizens of the counties of Jay and Blackford, on the subject of a State road therein named;

Which was referred to a select committee.

Ordered, That said committee consist of Messrs. Wood, Leviston and Berry.

Mr. Bowers presented the petition of sundry citizens of Dearborn and Ripley counties, protesting against the annexation of Texas, and praying for the adoption of resolutions instructing our Senators in Congress, and requesting our Representatives to oppose that measure; also praying for the repeal of the laws commonly called black laws, as therein described;

Which,

On motion by Mr. Logan,

Was referred to the committee on the judiciary.

Mr. Bowers presented the petition of sundry females of the same counties, on the same subject;

Which was,

On motion by Mr. Logan,

Referred to the same committee.

Mr. Jackson presented the petition of sundry colored persons, residing in the counties of Rush and Hancock, praying for relief, by the repeal of those laws which deprive them of the common privileges of free men and citizens of the State of Indiana:

Which was referred to the committee on the judiciary.

Mr. Moore presented the petition of Taylor W. Webster and

others, citizens of the county of Montgomery, praying for the passage of an act for the relief of Lewis D. Mills;

Which was referred to a select committee.

Ordered, That the select committee consist of Messrs. Moore, Henry and Davis.

Mr. Major presented the petition of Robert Watt and others, citizens of the county of Clinton, praying for the passage of an act locating a State road therein described;

Which was referred to a select committee.

Ordered, That the committee consist of Messrs. Major, Buell of Warren and Hutton.

Mr. Morgan of Rush, presented the petition of sundry citizens of the county of Rush, asking for relief to James Silver of said county;

Which was referred to the committee on education.

Mr. Ritchey presented the petition of Timothy P. Hedge and others, citizens of of Johnson county, and members of the Ciceronean Society of Franklin College, praying for the passage of an act of incorporation;

Which was referred to the committee on education.

Mr. Ritchey presented the remonstrance of Peter Shuck, Samuel Eccles and others, citizens of Johnson county, against the abolition of the office of county auditor in said county;

Which was ordered to lie upon the table.

Mr. Ritchey, chairman of the committee on finance, submitted the following report:

MR. PRESIDENT:

The committee on finance, to whom was referred a bill of the House of Representatives, No. 181, entitled, "A bill relating to selling of clocks and other property by religious or education societies," having examined the same, have directed me to report the bill back to the Senate with the following amendment, and upon its adoption to recommend its passage, viz.:

Strike out the first section from the enacting clause, and insert the following in lieu thereof:

"That the Board of Directors of the Indiana Baptist Education Society, and the Board of Trustees of Franklin College are authorized and hereby empowered to sell or dispose of any clocks, foreign goods, or other property which they may have on hand, or which may hereafter be donated to them by benevolent individuals, for the purpose of enabling them to build up and establish the institutions over which they have charge and control, without being required to obtain a permit or license to do so: *Provided*, That this act shall not authorize either of the above boards to make a business of dealing in or retailing such articles."

Also, amend the title of the bill, by striking out all after the word "bill," and inserting in lieu thereof the following words:

"Authorizing the Board of Directors of the Indiana Baptist Education Society, and the Board of Trustees of Franklin College, to sell certain property without license."

Mr. Read, from the committee on finance, submitted the following report:

MR. PRESIDENT:

The committee on finance, to which was referred a resolution of the Senate directing them to enquire into the expediency of providing by law that non-residents may pay taxes to the Auditor of State, or some other suitable officer of State, with leave to report by bill or otherwise, have had that subject under consideration, and have directed me to report the following bill and recommend its passage:

No. 230. A bill to provide for the payment of non-residents' taxes through the State Treasury;

Which was read, and,

On motion by Mr. Morgan of Decatur,

The rule of the Senate was suspended and the bill read a second time.

Mr. Chapman of Laporte moved to indefinitely postpone the further consideration of the said bill.

The ayes and noes being desired by two Senators,

Those who voted in the affirmative are,

Messrs. Akin, Alexander, Allison, Buell of Dearborn, Buell of Warren, Carr, Chapman of Laporte, Cotton, Davis, Duzan, Edmonson, Ewing, Farmer, Goodenow, Hamer, Henry, Herriman, Hutton, Jackson, Jones, Kennedy, Lane, Logan, Major, Miller, Orth, Pennington, Reyburn, Rippey, Rockhill, Todd, and Wood—32.

Those who voted in the negative are,

Messrs. Berry, Bowers, Bradbury, Chapman of Daviess, Coffin, Defrees, Dole, Hodge, Holloway, Leviston, Moore, Morgan of Decatur, Morgan of Rush, Parks, Read, Ritchey, Stanford, and Tannehill —18.

So the further consideration of the bill was indefinitely postponed.

Mr. Chapman of Laporte, chairman of the committee on the judiciary, submitted the following report:

MR. PRESIDENT:

The committee on the judiciary, to whom was referred bill of the Senate,

No. 2. A bill relative to voters in the county of Dubois;

Together with the reports of the committee on elections, in relation thereto, and sundry petitions upon the same subject, have directed me to report the same back and recommend that inasmuch as the Senate have already acted upon the same subject, they be laid upon the table.

Ordered, That the report of the committee be concurred in,

And the said bill and reports lie upon the table.

Mr. Chapman of Laporte, chairman of the committee on the judiciary, submitted the following report:

MR. PRESIDENT:

The committee on the judiciary, to whom was referred bill of the Senate,

No. 129. A bill subjecting equitable interests in school lands, to sale on execution;

Have had the same under consideration, and have directed me to report the same back without amendment, and recommend its passage.

On motion by Mr. Herriman,

The rule of the Senate was suspended,

The bill read a third time and passed.

Ordered, That the Secretary inform the House of Representatives thereof, and ask their concurrence.

Mr. Chapman of Laporte, chairman of the committee on the judiciary, submitted the following report:

MR. PRESIDENT:

The committee on the judiciary, to whom was referred the petition of David Edwards, have had the same under consideration, and have directed me to report, that it is inexpedient to legislate thereon.

Ordered, That the report of the committee be concurred in.

Mr. Chapman of Laporte, chairman of the committee on the judiciary, submitted the following report:

MR. PRESIDENT:

The committee on the judiciary, to whom was referred bill of the Senate,

No. 4. A bill to authorize probate judges to take and certify acknowledgements of powers of attorney, deeds, mortgages, &c., and for other purposes;

Have had the same under consideration, and have directed me to report it back and recommend its indefinite postponement.

Ordered, That the report of the committee be concurred in,

And the further consideration of the bill be indefinitely postponed.

Mr. Chapman of Laporte, chairman of the committee on the judiciary, submitted the following report:

MR. PRESIDENT:

The committee on the judiciary, to whom was referred bill of the House of Representatives,

No. 60. A bill in relation to the competency or credibility of witnesses, in the different courts of this State;

Have had the same under consideration, and have directed me to report the same back and recommend its indefinite postponement.

Ordered, That the report of the committee be concurred in,

And the further consideration of the bill be indefinitely postponed.

Mr. Chapman of Laporte, chairman of the committee on the judiciary, submitted the following report:

MR. PRESIDENT:

The committee on the judiciary, to whom was referred bill of the Senate,

No. 184. A bill to amend the 159, 359, 360, and 374th sections of chapter 30, of the Revised Statutes of 1843;

Have had the same under consideration, and have directed me to report the same back and recommend its indefinite postponement.

Ordered, That the report of the committee be concurred in,

And the further consideration of the bill be indefinitely postponed.

Mr. Chapman of Laporte, chairman of the committee on the judiciary, submitted the following report:

MR. PRESIDENT:

The committee on the judiciary, to whom was referred bill of the House of Representatives,

No. 99. A bill to amend the 15th chapter of the Revised Statutes of 1843;

Have had the same under consideration, and have directed me to report the same back, and recommend its indefinite postponement.

On the question of concurring in the report of the committee,

The ayes and noes being desired by two Senators,

Those who voted in the affirmative are,

Messrs. Akin, Allison, Buell of Dearborn, Buell of Warren, Carr, Chapman of Daviess, Chapman of Laporte, Coffin, Cotton, Davis, Defrees, Dole, Ewing, Farmer, Goodenow, Hamer, Hutton, Jones, Kennedy, Lane, Major, Moore, Morgan of Decatur, Morgan of Rush, Orth, Pennington, Reyburn, Ritchey, Stanford, and Tannehill—30.

Those who voted in the negative are,

Messrs. Alexander, Berry, Bowers, Bradbury, Duzan, Edmonson, Henry, Herriman, Hodge, Holloway, Jackson, Leviston, Logan, Miller, Parks, Read, Rockhill, Todd, and Wood—19.

So the report of the committee was concurred in.

Mr. Chapman, chairman of the committee on the judiciary, submitted the following report:

MR. PRESIDENT:

The committee on the judiciary, to whom was referred bill of the House of Representatives,

No. 69. A bill for the relief of Ann Matthews;

Have had the same under consideration, and have directed me to report the same back to the Senate, without amendment, and recommend its passage.

On motion by Mr. Chapman of Laporte,

The rule of the Senate was suspended,

The bill read a third time and passed.

Ordered, That the Secretary inform the House of Representatives thereof.

Mr. Chapman of Laporte, chairman of the committee on the judiciary, submitted the following report:

MR. PRESIDENT:

The committee on the judiciary, to whom was referred bill of the Senate,

No. 170. A bill to amend the law in relation to affrays and assault and battery;

Have had the same under consideration, and have directed me to report the same back with one amendment, and upon the adoption thereof, recommend its passage.

Amend by striking out all after the enacting clause, and inserting the following:

"That the 15th section of the 55th chapter of the Revised Statutes of 1843, be, and the same is hereby so amended, that the justice may assess such fine as he may deem reasonable, not less than one nor more than twenty dollars, and costs.

Mr. Buell of Dearborn, moved to concur in the report of the committee, with the following amendment: Strike out the word "one," and insert the word "five."

Mr. Stanford moved to indefinitely postpone the further consideration of the report, bill, and proposed amendment.

Upon which,

The ayes and noes being desired by two Senators,

Those who voted in the affirmative are,

Messrs. Alexander, Bowers, Bradbury, Buell of Dearborn, Buell of Warren, Chapman of Daviess, Davis, Farmer, Goodenow, Hamer, Hodge, Holloway, Hutton, Kennedy, Lane, Moore, Morgan of Decatur, Morgan of Rush, Orth, Parks, Pennington, Reyburn, Stanford, and Todd—25.

Those who voted in the negative are,

Messrs. Akin, Allison, Berry, Carr, Chapman of Laporte, Cotton, Dole, Duzan, Edmonson, Ewing, Henry, Herriman, Jackson, Jones, Leviston, Logan, Major, Miller, Read, Rippey, Rockhill, Tannehill, and Wood—23.

So the further consideration of the report, bill, and amendment was indefinitely postponed.

Mr. Chapman of Laporte, chairman of the committee on the judiciary, submitted the following report:

MR. PRESIDENT:

The committee on the judiciary, to whom was referred bill of the Senate No. 185, "A bill relating to landlords and tenants," have had the same under consideration, and have directed me to report it back and recommend its indefinite postponement.

Ordered, That the report of the committee be concurred in.

Mr. Chapman of Laporte, chairman of the committee on the judiciary, submitted the following report:

MR. PRESIDENT:

The committee on the judiciary, to whom was referred bill of the Senate No. 200, "A bill for the relief of Alfred Miles and Mary Miles," have had the same under consideration, and have directed

me to report the same back, without amendment, and recommend its passage.

On motion by Mr. Chapman of Laporte,

The rule of the Senate was suspended,

The bill read a third time, and passed.

Ordered, That the Secretary inform the House of Representatives thereof and ask their concurrence.

Mr. Chapman of Laporte, chairman of the committee on the judiciary, submitted the following report:

MR. PRESIDENT:

The committee on the judiciary, to whom was referred bill of the House of Representatives No. 110, "A bill to amend section 88, chapter 48, article 4, part 3, of the Revised Statutes of 1843," have had the same under consideration, and have directed me to report the same back to the Senate, without amendment, and recommend its passage.

On motion by Mr. Chapman of Laporte,

The rule of the Senate was suspended,

The bill read a third time, and passed.

Ordered, That the Secretary inform the House of Representatives thereof.

Mr. Chapman of Laporte, chairman of the committee on the judiciary, submitted the following report:

MR. PRESIDENT:

The committee on the judiciary, to whom was referred bill of the Senate No. 205, "A bill for the relief of Priscilla Lazenby and others," have had the same under consideration, and have directed me to report the same back, without amendment, and recommend its passage.

On motion by Mr. Chapman of Laporte,

The rule of the Senate was suspended,

The bill read a third time, and passed.

Ordered, That the Secretary inform the House of Representatives thereof, and ask their concurrence.

Mr. Chapman of Laporte, chairman of the committee on the judiciary, submitted the following report:

MR. PRESIDENT:

The committee on the judiciary, to whom was referred bill of the House of Representatives No. 92, "A bill authorizing the auditors

of Vanderburgh and Gibson counties to call the boards of commissioners together to hold special sessions in said counties," have had the same under consideration, and have directed me to report the same back with the following amendments, and upon their adoption recommend its passage.

1st. Strike out from the enacting clause and insert the following:

"That the several county auditors in this State may call special sessions of the board of commissioners in their respective counties whenever they may deem it for the interest of their respective counties to do so, by giving notice in writing, specifying the purpose for which they are called together, to each of said commissioners, which notice the sheriff is hereby required to serve.

"Sec. 2. Upon receiving such notice, it shall be the duty of said commissioners to meet at the time appointed therein, and transact the business for which such special session was called."

2d. Amend the title of the bill so as to read,

"A bill to authorize special sessions of the boards of county commissioners."

Ordered, That the amendments of the committee be concurred in.

On motion by Mr. Chapman of Laporte,

The rule of the Senate was suspended,

The bill read a third time, and passed.

Ordered, That the Secretary inform the House of Representatives thereof.

Mr. Orth, from the committee on the judiciary, submitted the following report:

MR. PRESIDENT:

The committee on the judiciary, to whom was referred bill of the Senate No. 173, entitled, "A bill to amend the second article of the forty-second chapter of the Revised Statutes of 1843," have had the same under consideration, and instructed me to report the same back to the Senate with the following amendment: Strike out the present title of the bill and insert the following: "A bill to amend the law regulating liens upon boats, &c." And after the adoption of the amendment they recommend its passage.

Ordered, That said bill be engrossed.

Mr. Akin, from the committee on the judiciary, submitted the following report:

MR. PRESIDENT:

The judiciary committee, to which was referred bill of the Senate No. 190, entitled, "A bill to abolish the office of county auditor in the county of Blackford," have had the same under consideration,

and have instructed me to report it back to the Senate and recommend its passage.

Mr. Wood moved to amend the bill by striking out all that part of the fourth section from the word "exceeding," and insert "one hundred dollars and the perquisities of the office, for the services required of him by the provisions of this act;"

Which was agreed to.

Ordered, That said bill be engrossed.

Mr. Akin, from the committee on the judiciary, submitted the following report:

MR. PRESIDENT:

The judiciary committee, to whom was referred bill No. 202, entitled, "A bill for the relief of Elijah Reeves," have had the same under consideration, and have instructed me to report the same back to the Senate, without amendment, and recommend its passage.

Mr. Ewing moved to amend the bill by adding the following words:

"*Provided*, The said Sarah Reeves wilfully absents herself from her said husband ten days after notice of the passage of this act."

Mr. Akin moved to lay the amendment upon the table;

Which was agreed to.

On motion by Mr. Chapman of Laporte,

The rule of the Senate was suspended,

The bill read a third time, and passed.

Ordered, That the Secretary inform the House of Representatives thereof, and ask their concurrence.

Mr. Ritchey moved a reconsideration of the vote of the Senate on bill

No. 99. A bill to amend the 15th chapter of the Revised Statutes of 1843;

Which was not agreed to.

Mr. Akin, from the committee on the judiciary, submitted the following report:

MR. PRESIDENT:

The judiciary committee to whom was referred bill of the House, No. 121. Entitled, a bill in relation to penalties upon county commissioners;

Have had the same under consideration, and are of opinion that it is inexpedient at this time to legislate thereon; they therefore instruct me to report the same back to the Senate and recommend its indefinite postponement.

Ordered, That the report of the committee be concurred in,

And the further consideration of the bill indefinitely postponed.

Mr. Carr, from the committee on the judiciary, submitted the following report:

MR. PRESIDENT:

The committee on the judiciary, to whom was referred bill of the Senate,

No. 61. Entitled, a bill authorizing probate judges to take acknowledgments of deeds, powers of attorney, mortgages, and other instruments of writing;

Have, according to order, had the same under consideration, and have directed me to report that, in the opinion of your committee, the subject matter of said bill is already sufficiently provided for by existing statutes, the committee therefore recommend the indefinite postponement of said bill.

Ordered, That the report of the committee be concurred in,

And the further consideration of the bill be indefinitely postponed.

Mr. Carr, from the committee on the judiciary, submitted the following report:

MR. PRESIDENT:

The committee on the judiciary, to whom was referred bill of the House of Representatives,

No. 106. Entitled, a bill to legalize the acknowledgment of certain deeds, mortgages, and other instruments of writing, required by the laws of Indiana, now in force, to be acknowledged and recorded;

Have, according to order, had the same under consideration, and have directed me to report it back to the Senate, and recommend its indefinite postponement.

Ordered, That the report of the committee be concurred in,

And the further consideration of said bill indefinitely postponed.

Mr. Carr, from the committee on the judiciary, submitted the following report:

MR. PRESIDENT:

The judiciary committee to whom was referred bill of the House of Representatives,

No. 305. A bill for the relief of George French, of Adams county;

Have, according to order, had the same under consideration, and have directed me to report said bill back to the Senate, and recommend that it be indefinitely postponed.

Ordered, That the report of the committee be concurred in,

And the further consideration of the bill indefinitely postponed.

Mr. Stanford, from the committee on education, submitted the following report:

MR. PRESIDENT:

The committee on education, to whom was referred the petition of John Mathers and Samuel Mathers, purchasers of seminary lands in Monroe county, asking for relief on account of their lands falling short in measurement, have considered the same, and directed me to report, that in their opinion, to grant the prayer of the petitioners, would establish a precedent which would lead to endless legislation, and therefore it should not be granted; and the committee asks to be discharged from the further consideration thereof.

Ordered, That the report of the committee be concurred in,

And they discharged from the further consideration of the subject.

Mr. Stanford, chairman of the committee on education, submitted the following report:

MR. PRESIDENT:

The committee on education, to whom was referred the petition of Richard Thompson, praying for relief,

Have had that subject under consideration, and have directed me to report, that in their opinion it would be inexpedient to grant the prayer of the petitioner, and ask to be discharged from the further consideration thereof.

Ordered, That the report of the committee be concurred in,

And that they be discharged from the further consideration of the subject.

Mr. Reyburn, from the committee on education, submitted the following report:

MR. PRESIDENT:

The committee on education, to whom was referred bill of the Senate,

No. 64. A bill in relation to school commissioners;

Have had the same under consideration, and have instructed me to report it back without amendment, and recommend its passage.

No. 64. A bill in relation to school commissioners;

On motion by Mr. Reyburn,

The rule of the Senate was suspended,

The bill read a third time and passed.

Ordered, That the Secretary inform the House of Representatives thereof, and ask their concurrence.

Mr. Holloway, from the committee on education, submitted the following report:

MR. PRESIDENT:

The committee on education, to which was referred a petition from the trustees of the Wabash college,

Have had the same under consideration, and have directed me to report the same back to the Senate, and express the opinion that they deem legislation, upon the prayer of the petitioners, inexpedient.

Ordered, That the report of the committee be concurred in.

Mr. Hutton, from the committee on education, submitted the following report:

MR. PRESIDENT:

The committee on education, to which was referred bill of the Senate,

No. 174. A bill to amend an act, entitled, an act to amend the 15th chapter of the Revised Statutes of Indiana, and repeal the 83d and 98th sections of the same, approved Jan. 15, 1844;

Have had that subject under consideration, and directed me to report the same back to the Senate, and recommend its indefinite postponement.

Ordered, That said report of the committee be concurred in,

And the further consideration of the bill indefinitely postponed.

Mr. Chapman of Laporte, moved to re-consider the vote concurring in the report of the committee on bill No. 174,

Which was not agreed to.

Mr. Parks, chairman of the committee on agriculture, made the following report:

MR. PRESIDENT:

The committee on agriculture, to whom was referred bill of the Senate,

No. 142. A bill defining the duties of millers in certain cases;

Have, according to order, had the same under consideration, and in the opinion of the committee, the law now in force is amply sufficient. Therefore, they have instructed me to report the bill back to the Senate, and recommend its indefinite postponement.

Ordered, That the report of the committee be concurred in,

And the further consideration of the bill indefinitely postponed.

Mr. Buell of Warren, from the committee on agriculture, submitted the following report:

MR. PRESIDENT:

The committee on agriculture, to which was referred a bill of the House,

No. 55. Entitled, a bill for the preservation of wild deer, in the county of Wabash;

With instructions to make it general, have performed that duty, and directed me to report it to the Senate, and recommend its passage.

Mr. Davis moved to lay the report and bill upon the table.

Upon which,

The ayes and noes being desired by two Senators,

Those who voted in the affirmative are,

Messrs. Akin, Berry, Bradbury, Cotton, Davis, Defrees, Duzan, Edmonson, Ewing, Hamer, Hodge, Holloway, Lane, Logan, Miller, Moore, Orth, Reyburn, Rippey, Ritchey, Stanford, and Wood—22.

Those who voted in the negative are,

Messrs. Bowers, Buell of Dearborn, Buell of Warren, Carr, Chapman of Daviess, Chapman of Laporte, Coffin, Dole, Farmer, Goodenow, Henry, Herriman, Hutton, Jackson, Jones, Leviston, Major, Morgan of Decatur, Morgan of Rush, Parks, Pennington, Rockhill, and Tannehill—23.

So the motion was not agreed to.

Mr. Edmonson moved to indefinitely postpone the further consideration of the report and bill;

Upon which,

The ayes and noes being desired by two Senators,

Those who voted in the affirmative are,

Messrs. Akin, Alexander, Allison, Berry, Bradbury, Chapman of Daviess, Chapman of Laporte, Cotton, Davis, Duzan, Edmonson, Ewing, Farmer, Hamer, Henry, Herriman, Hodge, Holloway, Lane, Leviston, Logan, Major, Miller, Moore, Orth, Parks, Reyburn, Rippey, Ritchey, Rockhill, Stanford, and Wood—32.

Those who voted in the negative are,

Messrs. Bowers, Buell of Dearborn, Buell of Warren, Carr, Coffin, Defrees, Dole, Goodenow, Hutton, Jackson, Jones, Kennedy, Morgan of Decatur, Morgan of Rush, Pennington, Read, Tannehill, and Todd —18.

So the further consideration of the report and bill were indefinitely postponed.

Mr. Buell of Dearborn moved to suspend the order of business and take up the report of the committee on the State Bank in relation to the Bedford Branch;

Which was not agreed to.

Mr. Hodge, from the committee on corporations, submitted the following report:

MR. PRESIDENT:

The committee on corporations, to whom was referred bill of the Senate No. 215, entitled, "A bill authorizing a company to construct a turnpike road from Cambridge city to Muncietown," have had the same under consideration, and have directed me to report the same back, with one amendment, and recommend its passage.

Strike out the bill from its enacting clause and insert the following:

That Lot Bloomfield, William Elliott, Solomon Meredith, Caleb W. Watt, and Jacob Vore, of the county of Wayne; William D. Harden, Joseph R. Leaky, John Wilson, Jacob Swafford, Miles Murphey, James Harvey, and Thomas Fleming, of the county of Henry; and Lewis Reese, Isaac Branson, Charles Mansfield, and James L. Russey, of the county of Delaware, their associates and successors, be, and they are hereby constituted a body politic and corporate, under the name of the Cambridge city and Muncietown Turnpike Company, and by that name may contract and be contracted with, may sue and prosecute, and be sued and prosecuted to final judgment and execution, in all courts having competent jurisdiction, and do and perform all other things legitimate for such company to do, and they are hereby invested with all the powers and privileges in any wise necessary or expedient to carry into effect the proper business of the association.

Sec. 2. The capital stock of said company shall consist of twenty-five thousand dollars, which may be increased at any time to any sum, not exceeding double that amount, that may be deemed expedient to carry into execution the legitimate objects of said company, and said stock shall be deemed personal property.

Sec. 3. Said stock shall be divided into shares of twenty-five dollars each, and may be taken by any individual, company, county, or State, to be paid for in cash, labor, or any kind of property, real or personal, that may be agreed upon, and in such way and manner, and at such times and places, as shall be by the company prescribed.

Sec. 4. Any five of the persons named in the first section of this act shall constitute a quorum for doing business, and so soon as may be deemed expedient, they shall meet at such place as may be by them agreed upon, and shall proceed to open books for subscription

of the capital stock, and do all other things needful for the full organization of the company.

Sec. 5. In case a quorum shall fail to attend at any time and place agreed upon, those attending may either adjourn to another day, or they may consider the stations of the absentees, or any of them, as vacated, and appoint some proper person or persons to fill the same.

Sec. 6. So soon as may be deemed expedient, after twenty-five thousand dollars of the capital stock shall have been subscribed, said commissioners shall appoint some suitable time and place for holding an election for seven directors, each of whom shall be a stockholder to the amount of at least two shares: said commissioners shall in all things manage such election, and give proper certificates to the persons elected, who shall hold their offices for one year, and until their successors are duly elected and qualified.

Sec. 7. At said election, and at each subsequent election, each stockholder shall have one vote on each share up to ten; one vote on every two shares above ten up to thirty; one vote on every three shares above thirty up to sixty; one vote on every four shares above sixty up to one hundred; but no one shall have to exceed one hundred votes, and each stockholder may vote in person or by proxy given in writing.

Sec. 8. The time, place, and manner of holding all subsequent elections of directors shall be regulated by the by-laws of the company, except that the elections shall be annually, as nearly as may be convenient.

Sec. 9. So soon as the first board of directors shall have been elected and sworn into office, said commissioners shall deliver over to them the subscription books, together with all other things belonging to the company: said directors shall choose one of their number to act as president; they shall also appoint a secretary and treasurer; and this mode of organization and qualification shall be continued and observed by each subsequent board of directors, and a majority of said directors shall constitute a quorum to do business and to supply any vacancies that may occur in their own body.

Sec. 10. Said company shall have power to view, mark, locate, and construct a turnpike road from Cambridge city in Wayne county, by Dublin, to New Castle in Henry county, and thence to Muncietown in Delaware county, and in constructing said turnpike, said company may follow such plan and use such materials as they may deem most expedient, and if it shall be found necessary and advantageous to the location and construction of said turnpike road, the corporation shall have the right to lay the same along and upon any State or county road: *Provided, however*, That before such location shall be made, the corporation shall make application to the county commissioners of the proper county for such right, and said commissioners are hereby vested with the power to grant the same.

Sec. 11. Said company may adopt such rules and regulations, and make such by-laws as in their judgment the business and affairs of

the company may require, and such as are expedient to perform the duties and carry out the powers vested by this act; they shall also have the power to appoint all needful officers, agents, and operatives, and require them, or any of them, to give such bonds as may be deemed expedient, to enforce the payment of all stock subscriptions at such times and places, and in such proportions, as they may agree upon, under pain of forfeiture of the shares of the stock taken by the delinquent, and the payment made thereon to the company, or to sue for and recover the amount due, in an action of assumpsit at their option; to issue proper certificates of stock and regulate the mode of transferring the same; to acquire, sell, lease, and dispose of such real estate as may be expedient for the interest of the company; to enter upon and take possession of all lands and materials necessary for the location and construction of said road and its appendages, and to keep the same in repair, being accountable to the owners of the land and materials for such damages as may be just and reasonable, when the same are not voluntarily relinquished; to keep said road in repair; to erect, continue, and keep toll gates; to establish, charge, and collect from all such as may use said road; to make and declare dividends of profits to the holders of the stock; and to do all other proper acts expedient to be done in accordance with the intent and meaning of this act.

Sec. 12. If any person or persons shall wilfully and knowingly injure or obstruct said road, or any thing belonging thereto, such person or persons, on conviction thereof, before any court of competent jurisdiction, shall pay, for the use of said company, twice the amount of damage done, and costs of suit.

Sec. 13. Plain and accurate accounts of the receipts and expenditures of said company, specifying clearly the nature of each, shall be kept by the company, and shall at all times be subject to the inspection of the stockholders, whenever any two of them shall apply at the same time for such inspection.

Sec. 14. The service of legal process on the president, treasurer, or secretary of said company, shall be held in all courts and places, of sufficient service on said company; and on the trial of all suits and prosecutions brought by said company, the regularity of all their proceedings to entitle them to sue or prosecute, shall be presumed, but no common law ground of defence, when made to appear, shall by any thing herein contained, be construed to have been taken away.

Sec. 15. The signature of the president of said company, attested by the secretary, shall be deemed full evidence and authentication of any act of the company, unless it may be in such cases as the by-laws may require to be authenticated by the common seal of the company, and such seal they are authorized to devise, adopt and use.

Sec. 16. The said company shall, under pain of forfeiture of their charter, begin the construction of said road within three years, and

finish the same within fifteen years, after the first of March next; and at any time after fifteen years from the completion of said road, the State may buy up the same from said company, at cost.

Sec. 17. This act shall be in force from and after its passage and publication in the Indiana Courier, and be subject to be repealed by a vote of any future legislature.

Ordered, That the amendment of the committee be concurred in.

On motion by Mr. Holloway,

The rule of the Senate was suspended,

The bill read a third time and passed.

Ordered, That the Secretary inform the House of Representatives thereof, and ask their concurrence.

Mr. Davis moved to suspend the order of business, to take up the message of the House, containing bill No. 310;

Which was agreed to.

The following message was then taken up.

Message from the House of Representatives, by Mr. Farquhar, their clerk.

MR. PRESIDENT:

The House has passed the following engrossed bill thereof:

No. 310. An act amendatory of an act for the relief of the securities of William H. Darnell, former school commissioner of Hendricks county;

In which I am directed to ask respectfully the concurrence of the Senate.

Bill of the House, No. 310,

Contained in the foregoing message,

Was read.

On motion by Mr. Alexander,

The rule of the Senate was suspended,

The bill read a second and third times and passed.

Ordered, That the Secretary inform the House of Representatives thereof.

Mr. Orth, from a select committee, submitted the following report:

MR. PRESIDENT:

The select committee to whom was referred the memorial of Henry L. Ellsworth, Elias L. Beard, and company, on the subject of the speedy and final completion of the Wabash and Erie canal to Terre Haute; have, in conjunction with a similar committee, on the part of the House of Representatives, had the same under consideration, and have instructed me to report to the Senate the following bill, entitled:

Mr. Defrees submitted the following amendment to the resolution:

Strike out from the resolving clause, and insert in lieu thereof the following words:

"That the Senate will, the House concurring therein, proceed on Tuesday next, at ten o'clock, A. M., to the election of an United States Senator to fill the vacancy which will be occasioned by the expiration of the term of the Hon. Albert S. White, on the third of March next."

Mr. Herriman moved to indefinitely postpone the further consideration of the resolution and amendment.

On motion by Mr. Chapman of Laporte,

The Senate adjourned.

2 *o'clock, P. M.*

The Senate assembled.

The Senate resumed the consideration of the resolution in relation to the election of United States Senator.

Mr. Davis moved a call of the Senate;

Which was ordered.

The Secretary proceeded to call the roll of the Senate, and reported one Senator absent.

On motion by Mr. Carr,

The further call was suspended.

Mr. Herriman withdrew his motion to indefinitely postpone the further consideration of the subject, and moved to postpone the consideration thereof until Thursday next, and make it the special order of the day for that day, at two o'clock, P. M., in committee of the whole.

Mr. Defrees moved to amend the motion of Mr. Herriman, by striking out Thursday next, and inserting in lieu thereof "instanter."

Mr. Chapman of Laporte called for a division of the question.

And the question being on striking out,

The ayes and noes were desired by two Senators,

And were as follows:

Those who voted in the affirmative are,

Messrs. Alexander, Allison, Bowers, Bradbury, Buell of Warren, Coffin, Cotton, Davis, Defrees, Dole, Ewing, Farmer, Goodenow, Hamer, Henry, Hodge, Holloway, Moore, Morgan of Decatur, Morgan of Rush, Orth, Pennington, Reyburn, Stanford, and Todd —25.

Those who voted in the negative are,

Messrs. Akin, Berry, Buell of Dearborn, Carr, Chapman of Daviess, Chapman of Laporte, Duzan, Edmonson, Herriman, Hutton, Jackson, Jones, Kennedy, Lane, Leviston, Logan, Major, Miller, Parks, Read, Rippey, Ritchey, Rockhill, Tannehill, and Wood—25.

The Senate being equally divided,

The President gave the casting vote in the negative.

So the Senate refused to strike out.

The question then recurred on the motion to postpone.

The ayes and noes being desired by two Senators,

Those who voted in the affirmative are,

Messrs. Akin, Berry, Buell of Dearborn, Carr, Chapman of Daviess, Chapman of Laporte, Duzan, Edmonson, Herriman, Hutton, Jackson, Jones, Kennedy, Lane, Leviston, Logan, Major, Miller, Parks, Read, Rippey, Ritchey, Rockhill, Tannehill, and Wood—25.

Those who voted in the negative are,

Messrs. Alexander, Allison, Bowers, Bradbury, Buell of Warren, Coffin, Cotton, Davis, Defrees, Dole, Ewing, Farmer, Goodenow, Hamer, Henry, Hodge, Holloway, Moore, Morgan of Decatur, Morgan of Rush, Orth, Pennington, Reyburn, Stanford, and Todd —25.

The Senate being equally divided,

The President gave the casting vote in the affirmative.

So the further consideration of the resolution and amendment was postponed until Thursday next, and made the special order for that day at two o'clock, P. M., in committee of the whole.

The Senate then proceeded to the consideration of the message from the House containing the following resolution, which had been made the special order of the day for this day:

"*Resolved*, That the House of Representatives will, the Senate concurring therein, proceed on Thursday, the 26th instant, at half past two o'clock, P. M., to the election of a United States Senator to fill the vacancy occasioned by the expiration of the term of service of A. S. White; and that they will proceed from day to day in said election until a United States Senator is elected."

Mr. Chapman of Laporte moved to postpone the consideration of the resolution until Thursday next, and make it the special order of the day for that day at two o'clock, P. M., in committee of the whole.

The ayes and noes being desired by two Senators,

Those who voted in the affirmative are,

Messrs. Akin, Berry, Buell of Dearborn, Carr, Chapman of Daviess, Chapman of Laporte, Duzan, Edmonson, Herriman, Hutton, Jackson, Jones, Kennedy, Lane, Leviston, Logan, Major, Miller, Parks, Read, Rippey, Ritchey, Rockhill, Tannehill, and Wood—25.

Those who voted in the negative are,

Messrs. Alexander, Allison, Bowers, Bradbury, Buell of Warren, Coffin, Cotton, Davis, Defrees, Dole, Ewing, Farmer, Goodenow, Hamer, Henry, Hodge, Holloway, Moore, Morgan of Decatur, Morgan of Rush, Orth, Pennington, Reyburn, Stanford, and Todd—25.

The Senate being equally divided,

The President gave the casting vote in the affirmative.

So the further consideration of the resolution was postponed until Thursday next, and made the special order of the day for that day at two o'clock, P. M., in committee of the whole.

Mr. Ewing submitted the following preamble and resolution:

WHEREAS, By the 79th section of chapter 6 of the Revised Statutes of 1843, it is enjoined upon the General Assembly to elect a State Librarian triennially, counting from the month of January, 1841; and said office should not be allowed to remain under any other authority by our omission of duty: Therefore,

Resolved, That the Senate will, on to-morrow (Tuesday), the 7th instant, if the House of Representatives concur herein, proceed at ten o'clock, A. M., in joint meeting, to the election of a State Librarian according to law: said meeting and election to be conducted and regulated in the usual mode.

The ayes and noes being desired by two Senators,

Upon the adoption of the resolution,

Those who voted in the affirmative are,

Messrs. Alexander, Allison, Bowers, Bradbury, Buell of Dearborn, Buell of Warren, Chapman of Laporte, Coffin, Cotton, Davis, Defrees, Dole, Ewing, Farmer, Goodenow, Hamer, Henry, Hodge, Holloway, Moore, Morgan of Decatur, Morgan of Rush, Orth, Pennington, Reyburn, Rockhill, Stanford, Tannehill, and Todd—29.

Those who voted in the negative are,

Messrs. Akin, Berry, Carr, Chapman of Daviess, Duzan, Edmonson, Herriman, Hutton, Jackson, Jones, Kennedy, Lane, Leviston, Logan, Major, Miller, Parks, Read, Rippey, Ritchey, and Wood—21.

So the resolution was adopted.

Mr. Chapman of Laporte moved to reconsider the vote just taken on the adoption of the resolution;

Which was agreed to.

Mr. Herriman moved to amend the resolution by adding between the word "resolved" and the word "that," the following words: "by the General Assembly of the State of Indiana;"

Which was not agreed to.

Mr. Chapman of Laporte moved to strike out the preamble;

The ayes and noes being desired by two Senators,

Those who voted in the affirmative are,

Messrs. Akin, Berry, Carr, Chapman of Daviess, Chapman of Laporte, Duzan, Edmonson, Herriman, Hutton, Jackson, Jones, Kennedy, Lane, Leviston, Logan, Major, Miller, Parks, Read, Rippey, Ritchey, Rockhill, Tannehill, and Wood—24.

Those who voted in the negative are,

Messrs. Alexander, Allison, Bowers, Bradbury, Buell of Dearborn, Buell of Warren, Coffin, Cotton, Davis, Defrees, Dole, Ewing, Farmer, Goodenow, Hamer, Henry, Hodge, Holloway, Moore, Morgan of Decatur, Morgan of Rush, Orth, Pennington, Reyburn, Stanford, and Todd—26.

So the preamble was not stricken out.

The question then recurred upon the adoption of the resolution.

The ayes and noes were desired by two Senators.

Those who voted in the affirmative are,

Messrs. Alexander, Allison, Bowers, Bradbury, Buell of Dearborn, Buell of Warren, Coffin, Cotton, Davis, Defrees, Dole, Ewing, Farmer, Goodenow, Hamer, Henry, Hodge, Holloway, Moore, Morgan of Decatur, Morgan of Rush, Orth, Pennington, Reyburn, Stanford, and Todd—26.

Those who voted in the negative are,

Messrs. Akin, Berry, Carr, Chapman of Daviess, Chapman of Laporte, Duzan, Edmonson, Herriman, Hutton, Jackson, Jones, Kennedy, Lane, Leviston, Logan, Major, Miller, Parks, Read, Rippey, Ritchey, Rockhill, Tannehill, and Wood—24.

So the resolution was adopted.

Ordered, That the Secretary inform the House of Representatives of the passage thereof, and ask their concurrence.

Mr. Duzan, from the joint committee on enrolled bills, submitted the following report:

MR. PRESIDENT:

The committee on enrolled bills have compared the following enrolled, with the engrossed bills of the Senate, and have found the same correctly enrolled, to-wit:

No. 112. An act to incorporate the proprietors of the Lawrenceburgh cemetery;

No. 88. An act for the relief of the estate of Samuel Lewis, late of Allen county, deceased;

No. 166. An act to incorporate the Lawrenceburgh seminary of learning in the county of Dearborn;

No. 134. An act to amend the act to establish a levee from the town of Vincennes, through the lower prairie, near the Wabash river, to the Grand coulee, approved February 2, 1833;

No. 154. An act to amend an act, entitled, "an act regulating the time of holding courts in the county of Tippecanoe," approved January 15, 1844;

No. 131. An act to provide for the payment of the members and officers of the present General Assembly;

No. 136. An act repealing a certain act therein named;

No. 122. An act to revive part of an act therein named, in the county of Ripley;

No. 117. An act to authorize the county commissioners of Floyd county to employ a physician to attend the poor of said county;

No. 110. An act providing for the location of a State road in the counties of Parke and Vermillion.

Message from the House of Representatives, by Mr. Farquhar, their clerk.

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate, that the House has reciprocated the resolution of the Senate, fixing the time for going into the election of State librarian.

Mr. Dole introduced,

No. 233. A joint resolution praying a grant of land to construct the northern cross rail-road, in the States of Illinois and Indiana;

Which was read.

On motion by Mr. Dole,

The rule of the Senate was suspended,

The joint resolution read a second time, and ordered to be engrossed.

Mr. Davis introduced,

No. 234. A bill for the relief of James Hay;

Which was read and ordered to a second reading.

Mr. Edmonson moved to suspend the order of business, to take from the files of the Senate,

No. 66. A bill for the relief of Abigail C. Hovey and Lorenzo D. Hovey, of Carroll county;

Which was agreed to.

The bill was then read a third time, and,

The question being, "Shall the bill pass?"

The ayes and noes were desired by two Senators,

And were as follows:

Those who voted in the affirmative are,

Messrs. Akin, Buell of Dearborn, Chapman of Daviess, Chapman of Laporte, Duzan, Edmonson, Hamer, Herriman, Hutton, Jackson, Jones, Kennedy, Lane, Leviston, Logan, Major, Miller, Parks, Read, Rippey, Ritchey, Rockhill, Stanford, Tannehill, Todd, and Wood—26.

Those who voted in the negative are,

Messrs. Alexander, Bowers, Bradbury, Buell of Warren, Coffin, Cotton, Davis, Defrees, Dole, Ewing, Farmer, Goodenow, Henry, Hodge, Holloway, Moore, Morgan of Decatur, Morgan of Rush, Orth, Pennington, and Reyburn—21.

So the bill passed.

Ordered, That the Secretary inform the House of Representatives thereof, and ask their concurrence in the amendments of the Senate.

Message from the House of Representatives, by Mr. Farquhar, their clerk.

MR. PRESIDENT:

The Speaker has signed enrolled bill of the House as follows:

No. 2. An act providing for the loaning of the school funds of Clay and Posey counties;

No. 4. An act relative to the appointment of county commissioners of the several counties in this State, to act as boards of library trustees in their respective counties, and for other pursoses;

No. 11. An act in relation to patents to purchasers of lands in the reserved townships in Gibson and Monroe, and of the saline lands;

No. 13. An act supplemental to an act, entitled, an act to change a State road in Sullivan county, approved January 13, 1844;

No. 19. An act to legalize the official acts of James Blair and Stearns Fisher, former commissioners of the Wabash and Erie canal;

No. 24. An act to amend an act, entitled, an act to abolish docket fees, dispensing with final records in certain cases, approved January 28, 1843;

No. 36. An act to repeal the Posey county road law;
No. 42. An act to repeal a certain act therein named, so far as it relates to the county of Pike;
No. 77. An act to amend an act providing for the loaning of the school funds of Vigo county, approved Jan. 13, 1844;
No. 143. An act for the relief of the president and trustees of the town of Greencastle, and for other purposes;
No. 148. An act to establish a State road on the county line between the county of St. Joseph and the county of Elkhart;
No. 152. An act to incorporate the Newcastle band of musicians;
Also, the following enrolled bills of the Senate, entitled,
No. 27. An act to revive and amend an act, entitled, "an act to incorporate the Richmond and Boston turnpike company," approved February 15, 1839;
No. 63. An act to establish an additional place of holding elections in Lafayette township, Floyd county;
No. 75. An act to provide for erecting a bridge across Laughery creek, in Ripley county;
No. 88. An act for the relief of the estate of Samuel Lewis, late of Allen county, deceased;
No. 110. An act providing for the location of a State road in the counties of Parke and Vermillion;
No. 112. An act to incorporate the proprietors of the Lawrenceburgh cemetery:
No. 116. An act to locate a State road in Randolph and Jay counties;
No. 117. An act to authorize the county commissioners of Floyd county to employ a physician to attend the poor of said county;
No. 122. An act to revive part of an act therein named, in the county of Ripley;
No. 131. An act to provide for the payment of the members and officers of the present General Assembly;
No. 134. An act to amend an act to establish a levee from the town of Vincennes, through the lower prairie, near the Wabash river, to the Grand coulee, approved February 2, 1833;
No. 136. An act repealing a certain act therein named;
No. 154. An act to amend an act entitled, an act regulating the term of holding courts in the county of Tippecanoe, approved January 15, 1844;
No. 166. An act to incorporate the Lawrenceburgh seminary of learning, in the county of Dearborn;
Which I have been directed to bring to the Senate for the signature of the President thereof.

Whereupon the President of the Senate affixed his signature to said enrolled bills, and they were delivered to the joint committee on enrolled bills, to be presented to his Excellency the Governor, for his approbation and signature.

Mr. Chapman of Laporte moved to suspend the order of business and take from the files of the Senate joint resolution,
No. 193. For the relief of David T. Yeakel and Elizur Deming;
Which was agreed to.

Mr. Orth submitted the following amendment to the joint resolution:

"*Provided however*, That it shall be lawful for the commissioners aforesaid to loan the said sum of money upon the boatmen's infirmary, and the lots on which it is erected at Lafayette, or any other real estate in said town of Lafayette; and provided further, that said commissioners shall be satisfied that the property aforesaid, or such other real estate that may be offered, is amply sufficient to secure the repayment of said loan;"

Which was agreed to.

On motion by Mr. Chapman of Laporte,
Ordered, That the bill lie upon the table.

On motion by Mr. Todd,
The order of business was suspended to take up the following
Message from the House of Representatives, by Mr. Farquhar, their Clerk:

MR. PRESIDENT:

The House of Representatives have appointed, on the part of the House, Messrs. Tingley, Hostetter, Garrett, Rosseau, Bradley, Whight, Lanius, Conner, Darrow, and Hodges, to act with a similar committee on the part of the Senate, to consider a proposition presented to both Houses to dispose of the Wabash and Erie canal for a limited time therein specified.

The House have passed engrossed bill thereof, entitled:
No. 180. An act fixing the time of holding courts in the fifth judicial circuit;
In which the concurrence of the Senate is respectfully requested.

House bill,
No. 180. A bill fixing the time of holding courts in the fifth judicial circuit,
Contained in the foregoing message,
Was read, and,
On motion by Mr. Todd,
The rule of the Senate was suspended, and the bill read a second time.
On motion by Mr. Ritchey,
Ordered, That the bill lie upon the table.

The President laid before the Senate the following communication from George H. Dunn, Esq.:

To the General Assembly of the State of Indiana:

I beg leave to state to the General Assembly, that since the presentation of my memorial, further investigations into the transactions of the offices of State have resulted in showing me entitled to a credit of $5,610 58, reducing the amount chargeable to me in that sum. This credit happens in this way: at the session of 1842–'3, the General Assembly passed an act for the relief of John S. Graham, treasurer of Morgan county, allowing him for certain funds collected by him for revenue for 1841, and burnt in his house February 18th, 1842. Under the provisions of that act, there was allowed him at the State Treasury a credit for $5,610 58, and the receipt of the Treasurer of State for such allowance was duly given, and the amount thereof charged to the Treasurer of State on the Auditor's books, and no warrant was ever issued or other credit given to the Treasurer of State on account of the same. I herewith append copies of my receipt certified by the Auditor of State, which shows the nature of the transaction, as also the certificate of the Auditor that no credit has ever been given me for the same.

I request that this matter may be submitted to the committee having charge of my memorial, for their allowance; and although I shall continue to make further investigation, in the hope that other errors may be found, yet, as such may not be the case, and as it is very evident that some part of the amount charged against me may be occasioned by the improper destruction of treasury notes, I hope that the request made in my memorial may be granted, and that I may be suffered to perpetuate evidence on that point.

G. H. DUNN.

INDIANAPOLIS,
AUDITOR'S OFFICE,
January 6, 1845.

I do hereby certify that the following is a true copy of the original receipt on file in my office, numbered 1108, and that by virtue of the same, the Treasurer of State was, at the time of its date, charged with the amount therein stated.

No. 1108.] REVENUE 1841. [$5,610 58-100.

Received of John S. Graham the sum of five thousand six hundred and ten dollars 58-100 cents, on account of revenue for 1841, this being the amount allowed him under act for his relief for money burnt in his house.

G. H. DUNN,
Treasurer of State.

I do further certify that on examination of the books of my office, I do not find that any credit has been allowed said Treasurer of State, or any warrant ever issued for the amount so receipted for.

HORATIO J. HARRIS,
Auditor of State.

Which,

On motion by Mr. Lane,

Was referred to the committee on claims.

On motion by Mr. Stanford,

The Senate adjourned.

TUESDAY MORNING, JANUARY 7, 1845.

The Senate assembled.

The Journal of the preceding day was read.

Mr. Buell of Dearborn moved to suspend the order of business to take up bill No. 172 of the Senate,

A bill to amend the several acts for the loaning and collecting of the sinking fund, and for other purposes;

Which was agreed to.

The bill was then read a third time and passed.

Ordered, That the Secretary inform the House of Representatives thereof, and ask their concurrence.

Leave having been obtained,

Mr. Morgan of Decatur submitted the following resolution:

Resolved, That the use of the Senate chamber be given Mr. Ainsworth for the purpose of giving a matrimonial lecture on phrenological principles.

Mr. Edmonson moved to lay the resolution on the table;

Which was not agreed to.

The question then recurred upon the adoption of the resolution.

The ayes and noes being desired by two Senators,

Those who voted in the affirmative are,

Messrs. Akin, Bradbury, Chapman of Laporte, Coffin, Dole, Duzan, Hamer, Henry, Herriman, Hodge, Holloway, Hutton, Jackson, Jones, Kennedy, Lane, Moore, Morgan of Decatur, Morgan of Rush, Orth, Parks, Ritchey, Rockhill, Tannehill, Todd, and Wood—26.

Those who voted in the negative are,

Messrs. Allison, Bowers, Buell of Dearborn, Buell of Warren, Carr, Chapman of Daviess, Cotton, Davis, Defrees, Edmonson, Farmer, Goodenow, Leviston, Logan, Major, Miller, Pennington, Read, Rippey, and Stanford—20.

So the resolution was adopted.

The President laid before the Senate the following report of E. F. Lucas, general superintendent of the Wabash and Erie canal, in reply to a resolution of the Senate:

INDIANAPOLIS, }
January 6, 1845. }

Hon. JESSE D. BRIGHT,

President of the Senate:

SIR:—I have the honor to acknowledge the receipt of the following communication, bearing date the 2d inst., to-wit:

"SENATE CHAMBER, }
"*January* 2, 1845. }

"SIR:—The Senate have this day adopted a resolution in the following words:

"*Resolved*, That the superintendent of the Wabash and Erie canal be required to inform the Senate whether the 260,047 5-100ths acres of land, mentioned in his annual report, as the number of acres of land sold and unsold, is as reported, all 'that can in any event be made available for the construction of the Wabash and Erie canal,' or whether, on the contrary, there is not some 35 or 40,000 acres yet due from the General Government in lieu of lands that were pre-empted by settlers on canal lands heretofore selected, and also whether a still further amount of lands are not due for the increased distance of said canal over the distance as first measured; and if so, what measures, if any, have been taken to secure to the State, the lands above described.

"I am very respectfully,
"Your obedient servant,
"W. T. OTTO,
"*Secretary of the Senate.*

"MR. E. F. LUCAS,
"*Sup. Wabash and Erie canal.*"

And I herewith tender to the Senate all the information desired, so far as I am in possession of the same, which is as follows:

The State has, as I am informed, obtained all the lands of the original selection, that were covered by pre-emption.

In the summer of 1843, his Excellency, Gov. Bigger, had a selection made by Messrs. Murry and Sigler, of some 50 or 60 thousand acres (in addition to the 260,047 5-100ths, mentioned in my report,) of the unsold lands belonging to the General Government, and the tract books have been forwarded to the Commissioner of the General Land Office. But the Secretary of the Treasury of the United States refuses from some cause to acknowledge the title to vest in the State. Hence the President withholds his assent thereto, without some interposition of Congress.

I have the honor to be,
Very respectfully,
Your obedient servant,
E. F. LUCAS,
Gen. Sup. W. and E. canal.

On motion by Mr. Dole,

Ordered, That the report lie upon the table.

Message from the House of Representatives, by Mr. Farquhar, their clerk:

MR. PRESIDENT:

The House of Representatives have adopted the following resolution:

Resolved, That the Senate be invited to attend in the Hall of the House *instanter*, to proceed, in joint Convention, to the election of a State librarian, and that seats be provided on the right of the Speaker's chair.

And thereupon the Senate proceeded to the Hall of the House, for the purpose of going into joint convention, to elect a State librarian. The Senate seated upon the right of the Speaker's chair, and the President presiding over the convention, with the Speaker on his left.

The Convention then proceeded to vote *viva voce*, for a State librarian.

On the first vote,

Those who voted for John B. Dillon, are,

Messrs. Akin, Anthony, Barclay, Berry, Bradley, Brown, Buell of Dearborn, Byers, Carr, Chapman of Daviess, Chapman of Laporte, Cowen, Davis, Duzan, Duzan of the House, Edmonson, Endicott, Ford, Fry, Fuller, Handy, Hannah, Hardin, Hauser, Helwig, Herriman, Heustis, Hill, Hodges, Hoggatt, Howard, Huey, Hutton, Jackson, Jones, Jones of Fountain, Jones of Vigo, Kelley, Kennedy, Lane, Lanius, Leviston, Lewis of Dearborn, Lewis of Wayne, Major, Manville, McAllister, McClure of Scott, Montgomery, Mooney, Osborn, Palmer, Parks, Peek, Pettit, Read, Rippey, Ritchey, Robinson

of Carroll, Rockhill, Rose, Shanks, Shively, Simonson, Snook, Stophlet, Tague, Tannehill, Turman, Vandeveer, Whight, Wood and Wright of Switzerland—73.

Those who voted for Robert C. Allison, are,

Messrs. Alexander, Allison, Bell, Blakemore, Boardman, Bowers, Bradbury, Bruce, Buell of Warren, Coffin, Colms, Conduit, Conner, Cotton, Davis, Defrees, Dole, Ewing, Farmer, Foresman, Goodenow, Gregory, Grubbs, Hamer, Hambrick, Hazelrigg, Henry, Hinchman, Hodge, Holloway, Hostetter, Jamison, Kerr, Legg, Little, Logan, McClure of Knox, McGauhey, Matlock, Miller, Miller, Moore, Morgan of Decatur, Morgan of Rush, Nimmon, Nutter, Odell, Orth, Parker, Pennington, Pomeroy, Reyburn, Rich, Robinson of Decatur, Shelby, Stanford, Stapp, Stevenson, Sullian, Tingley, Todd, Tomlinson, Wills, Wolf, and Wright of Wayne—65.

Those who voted for John Douglass, are,

Messrs. Claypool, Herod, Huckeby, and Wilson—4.

Those who voted for John Nowland, are,

Messrs. Rosseau and Smith—2.

Those who voted for —— Blackledge, are,

Messrs. Brecount and Leslie—2.

Mr. Garrett voted for Andrew Louden.

No one of the candidates having received a majority of all the votes given, the Convention proceeded to a second vote.

On the second vote,

Those who voted for John B. Dillon, are,

Messrs. Akin, Anthony, Barclay, Bell, Berry, Bradley, Brecount, Brown, Buell of Dearborn, Byers, Carr, Chapman of Laporte, Claypool, Coffin, Conner, Cowen, Davis, Duzan, Duzan, (of the House,) Edmonson, Endicott, Fry, Fuller, Handy, Hannah, Hardin, Hauser, Hazelrigg, Helwig Henry, Herriman, Herod, Heustis, Hill, Hodges, Hoggatt, Hostetter, Howard, Huey, Hutton, Jackson, Jones, Jones of Fountain, Kelley, Kennedy, Lane, Lanius, Legg, Leslie, Leviston, Lewis of Dearborn, Lewis of Wayne, McAllister, McClure of Scott, Major, Manville, Miller, Montgomery, Mooney, Osborn, Palmer, Parks, Peek, Pettit, Read, Reyburn, Rippey, Ritchey, Robinson of Carroll, Rockhill, Rose. Shanks, Shively, Simonson, Smith, Snook,

Sullivan, Tague, Tannehill, Turman, Vandeveer, Whight, Wilson, Wright of Switzerland, and Wood—85.

Those who voted for R. C. Allison, are,

Messrs. Alexander, Allison, Blakemore, Boardman, Bowers, Bradbury, Bruce, Buell of Warren, Colms, Conduit, Cotton, Davis, Defrees, Dole, Ewing, Farmer, Ford, Foresman, Garrett, Goodenow, Gregory, Grubbs, Hamer, Hambrick, Hinchman, Hodge, Holloway, Huckaby, Jamison, Jones of Vigo, Kerr, Little, Logan, Matlock, McClure of Knox, McGauhey, Miller, Moore, Morgan of Decatur, Morgan of Rush, Nimmon, Nutter, Odell, Orth, Parker, Pennington, Pomeroy, Rich, Robinson of Decatur, Shelby, Stanford, Stapp, Stevenson, Stophlet, Tingley, Tomlinson, Todd, Wills, Wolf, and Wright of Wayne—60.

Those who voted for Joseph G. Martin, are,

Messrs. Chapman of Daviess and Rosseau—2.

John B. Dillon having received a majority of all the votes given, was declared by the President duly elected State librarian for the term of two years, from and next succeeding the termination of the present session of the General Assembly.

The Convention having gone through with the business for which it was convened, the President adjourned the Convention *sine die.*

The Senate then returned to their chamber.

The President laid before the Senate the following communication, from William Sheets, Esq., Secretary of State:

SECRETARY OF STATE'S OFFICE,
Indianapolis 7th Jan., 1845.

The undersigned, in obedience to a resolution of yesterday, requesting him to inform the Senate "what number of copies of the Revised Statutes of 1843, are yet remaining in his office not disposed of," respectfully reports, that there are two thousand nine hundred and eighty copies, besides those now in the possession of the members of the General Assembly, remaining in his office undisposed of.

Respectfully submitted,
WILLIAM SHEETS.

Which,

On motion by Mr. Edmonson,

Was referred to a select committee.

Ordered, That said committee consist of Messrs. Edmonson, Holloway, and Goodenow.

Mr. Orth asked, and obtained leave to withdraw from the files, a petition presented by him from sundry citizens of the county of Boone, on the subject of a State road therein named.

Mr. Akin, chairman of the committee on federal relations, submitted the following report:

MR. PRESIDENT:

The committee on federal relations, to whom was referred resolutions of the State of Georgia in relation to exchanging documents with other States, have had the same under consideration, and instruct me to report the following joint resolution on that subject and recommend its passage:

Joint resolution,

No. 235. A joint resolution in relation to exchanging documents with other States;

Which was read.

On motion by Mr. Chapman of Laporte,

The rule of the Senate was suspended, the joint resolution read a second time, and referred back to the same committee, with instructions to amend the joint resolution by striking out the words "the decisions of our supreme court," and inserting in lieu thereof the words "Blackford's Reports."

Mr. Akin, from the committee on federal relations, submitted the following report:

MR. PRESIDENT:

The committee on federal relations, to whom was referred certain resolutions of the State of Connecticut, relating to the assumption of State debts, have, according to order, had the same under consideration, and have directed me to report the accompanying joint resolution and respectfully recommend its passage:

No. 236. A joint resolution relating to the assumption of State debts.

Said joint resolution was read.

On motion by Mr. Chapman of Laporte,

The rule of the Senate was suspended and the joint resolution read a second time.

Mr. Ewing moved to lay the joint resolution upon the table;

Which was not agreed to.

Mr. Ewing moved to amend the joint resolution by striking out all of the first part thereof, after the word "been," and inserting in lieu thereof the following words:

"Heretofore desirous to receive her equitable share of the proceeds of the public lands, she would not deem the distribution of the said

proceeds as involving an assumption of State debts, nor would she deem the issue of a stock by the United States, redeemable out of the proceeds hereafter, in any light exposed to that character; and most earnestly urges upon the General Government the adoption of a plan known as the plan of the Honorable W. Cost Johnson of Maryland."

Mr. Dole moved to amend the amendment by adding the following words:

"*Provided, however*, That a distribution of the proceeds of the public lands among the different States would be but an act of justice, and is not considered by this Legislature as in any manner connected with the assumption of the State debts by the General Government."

Mr. Herriman moved the previous question;

Which was seconded by the Senate.

And on the question,

"Shall the main question be now put?"

It was decided in the affirmative.

The main question being,

"Shall the joint resolution be engrossed and read a third time on to-morrow?"

The ayes and noes were desired by two Senators,

And were as follows:

Those who voted in the affirmative are,

Messrs. Akin, Allison, Berry, Buell of Dearborn, Buell of Warren, Carr, Chapman of Daviess, Chapman of Laporte, Davis, Duzan, Edmonson, Henry, Herriman, Hutton, Jackson, Jones, Kennedy, Lane, Leviston, Logan, Major, Miller, Parks, Read, Rippey, Ritchey, Rockhill, Stanford, Tannehill, and Wood—30.

Those who voted in the negative are,

Messrs. Alexander, Bowers, Bradbury, Coffin, Cotton, Defrees, Dole, Ewing, Farmer, Goodenow, Hamer, Hodge, Holloway, Moore, Morgan of Decatur, Morgan of Rush, and Pennington—17.

So the joint resolution was ordered to be engrossed and read a third time on to-morrow.

Mr. Buell of Dearborn moved to take up the report of the committee on the State Bank, on the subject of the Bedford Branch, together with the resolution recommended by the committee.

Upon which,

The ayes and noes were desired by two Senators,

And were as follows:

Those who voted in the affirmative are,

Messrs. Akin, Berry, Buell of Dearborn, Buell of Warren, Carr, Chapman of Daviess, Chapman of Laporte, Duzan, Ewing, Henry, Herriman, Hodge, Hutton, Jackson, Jones, Lane, Leviston, Logan, Major, Pennington, Read, Rippey, Ritchey, Rockhill, Stanford, Tannehill, and Wood—27.

Those who voted in the negative are,

Messrs. Alexander, Allison, Bowers, Bradbury, Coffin, Cotton, Davis, Defrees, Dole, Edmonson, Farmer, Goodenow, Hamer, Holloway, Kennedy, Miller, Moore, Morgan of Decatur, Morgan of Rush, Orth, Parks, Reyburn, and Todd—23.

So the resolution and report were taken up.

The question was then taken upon the adoption of the resolution recommended by the committee.

The ayes and noes being desired by two Senators,

Those who voted in the affirmative are,

Messrs. Berry, Buell of Dearborn, Carr, Duzan, Henry, Herriman, Jones, Leviston, Logan, Read, Rippey, Ritchey, Stanford, and Wood —14.

Those who voted in the negative are,

Messrs. Akin, Alexander, Allison, Bowers, Bradbury, Buell of Warren, Chapman of Daviess, Chapman of Laporte, Coffin, Cotton, Davis, Defrees, Dole, Edmonson, Ewing, Farmer, Goodenow, Hamer, Hodge, Holloway, Hutton, Jackson, Kennedy, Miller, Moore, Morgan of Decatur, Morgan of Rush, Orth, Parks, Pennington, Reyburn, Rockhill, Tannehill, and Todd—34.

So the resolution was not adopted.

Mr. Edmonson, from the committee on corporations, submitted the following report:

MR. PRESIDENT:

The committee on corporations, to whom was referred Senate bill No. 217, entitled, "A bill to incorporate the Valparaiso turnpike company," have had that subject under consideration, and directed me to report it back to the Senate, with the following amendments, and when concurred in, to recommend its passage.

Amend section 3, by striking out the word "two," and inserting in lieu thereof the word "ten."

Also, add

Sec. 17. This act to be subject to repeal, alteration, or amendment by any future Legislature, and the stockholders individually liable for all debts not paid in their corporate capacity. This act to be in force from and after its passage.

The amendments of the committee were not concurred in.

On motion by Mr. Chapman of Laporte,

The rule of the Senate was suspended,

The bill read a third time, and passed.

Ordered, That the Secretary inform the House of Representatives thereof and ask their concurrence.

Mr. Edmonson, chairman of the committee on corporations, submitted the following report:

MR. PRESIDENT:

The committee on corporations, to whom was referred House bill No. 304, entitled, "A bill to incorporate the Garrick Institute of Knightstown, Henry county," have had the same under consideration, and directed me to report the same back to the Senate with one amendment, and when concurred in to recommend its passage.

Amend section 2 by adding the following words:

"*Provided*, No transfer shall release the stock or stockholder from liability for the debts contracted before such transfer."

On motion by Mr. Stanford,

Ordered, That the report and bill lie upon the table.

Mr. Bowers, from the committee on corporations, submitted the following report:

MR. PRESIDENT:

The committee on corporations to whom was referred bill of the House,

No. 119. Entitled, a bill to amend an act, entitled "an act to incorporate the Yevay and Napoleon, and other turnpike companies;"

Have, according to order, had the same under consideration, and have instructed me to report the same back to the Senate without amendment and recommend its passage.

On motion by Mr. Tannehill,

The rule of the Senate was suspended,

The bill read a third time and passed.

Ordered, That the Secretary inform the House of Representatives thereof.

Mr. Duzan, from the joint committee on enrolled bills, submitted the following report:

MR. PRESIDENT:

The committee on enrolled bills, have compared the following enrolled, with the engrossed bill of the Senate, and have found the same correctly enrolled, to-wit:

No. 103. An act to incorporate the "Mechanics' Institute at Lafayette," in the county of Tippecanoe;

No. 72. An act to attach additional territory to the county of Ohio, and for other purposes;

No. 115. An act to amend an act, entitled, an act to incorporate the city of New Albany, and to repeal all laws now in force incorporating the town of New Albany, approved Feb. 14, 1839.

On motion by Mr. Reyburn,

The Senate adjourned.

2 *o'clock, P. M.*

The Senate assembled.

Mr. Herriman moved to suspend the order of business, to take up the orders of the day,

Which was agreed to.

The Senate then proceeded to consider the orders of the day.

No. 128. A bill to amend an act, entitled, an act to incorporate the university of Notre Dame du Lac, at South Bend, in St. Joseph county, Indiana;

Was read a third time and passed.

No. 140. A bill repealing certain acts relative to the establishment of bank districts;

Was read a third time and passed.

No. 141. A bill to repeal an act entitled, "an act to reduce the prices paid for ferriages in Lawrence county, approved January 15, 1844," and to revive the general law;

Was read a third time and passed.

No. 147. A bill to change the name of Muncietown;

Was read a third time and passed.

No. 150. A bill for the relief of the heirs and devisees of Francis Godfrey, deceased;

Was read a third time and passed.

No. 192. A bill to establish a free turnpike road in the county of Adams;

Was read a third time and passed.

No. 144. An act to continue in force an act, entitled, "an act to incorporate the Brookville and Richmond canal company;

Was read a third time and passed.

No. 204. A bill for the relief of the purchasers of seminary lands in Monroe county;

Was read a third time and passed.

No. 148. A bill to locate a certain State road therein named, in Orange county;

Was read a third time and passed.

No. 213. A bill amendatory of an act, entitled, an act to incorporate the Monroe county female seminary, approved Jan. 27, 1833;

Was read a third time and passed.

No. 214. A bill to amend an act, entitled, an act to incorporate the Cambridge City and Venice turnpike company;

Was read a third time and passed.

No. 218. A bill relative to overseers of the poor in Ripley county;

Was read a third time and passed.

No. 225. A bill to divide the county of Dearborn into county commissioners' districts;

Was read a third time and passed.

No. 227. An act authorizing a change in the application of water power at dam No. 1, near the forks of the Wabash;

Was read a third time and passed.

No. 173. A bill to amend the second article of the 42d chapter of the Revised Statutes of 1843;

Was read a third time and passed.

No. 233. A joint resolution praying a grant of land to construct the northern cross rail-road, in the States of Illinois and Indiana;

Was read a third time and passed.

Ordered, That the Secretary inform the House of Representatives of the passage of the said bills and joint resolution, and ask their concurrence therein.

A joint resolution of the House,

No. 272. A joint resolution in relation to a law of the State of New York, permitting a drawback upon salt, of her manufacture, introduced within this State;

Was read a third time and passed.

No. 70. An act to authorize William Jones and Harvey Hoover to construct a dam across the Wabash river;

Was read a third time and passed.

House bill,

No. 12. A bill for the incorporation the Philadelphia industrial association of St. Joseph county, Indiana;

Was read a third time and passed.

House bill,

No. 84. A bill to regulate the fees of county treasurers, for receiving and expending the county seminary fund;

Was read a third time and passed.

House bill,

No. 86. A bill to authorize George French to construct a dam across the Wabash river;

Was read a third time and passed.

House bill,

No. 302. An act for the relief of Joana Mahony;
Was read a third time and passed.
House, bill,
No. 119. A bill to amend an act, entitled, an act to amend an act entitled, an act to incorporate the Vevay and Napoleon and other turnpike companies, approved February 8th, 1836,—approved January 15, 1844;
Was read a third time and passed.
House bill,
No. 296. A bill authorizing the county commissioners of Dekalb county to assess a road tax;
Was read a third time and passed.
House bill,
No. 238. A bill for the extension of the time of holding the probate courts in the county of Allen, and for other purposes;
Was read a third time and passed.
Ordered, That the Secretary inform the House of Representatives of the passage of said bills.
No. 58. A bill to repeal a part of section 56, chapter 12, Revised Statutes of 1843;
Was read a third time.
Mr. Morgan of Decatur, moved to lay the bill upon the table,
Which was not agreed to.
Mr. Chapman of Laporte, moved to indefinitely postpone the further consideration of the bill.
Upon which,
The ayes and noes being desired by two Senators,

Those who voted in the affirmative are,

Messrs. Carr, Chapman of Laporte, Davis, Defrees, Goodenow, Herriman, Leviston, Logan, Moore, Morgan of Decatur, Morgan of Rush, Orth, Parks, Read, Ritchey, Stanford, and Wood—17.

Those who voted in the negative are,

Messrs. Akin, Alexander, Allison, Berry, Bowers, Bradbury, Chapman of Daviess, Coffin, Cotton, Dole, Edmonson, Farmer, Henry, Holloway, Hutton, Jackson, Jones, Kennedy, Major, Miller, Pennington, Rippey, Rockhill, Tannehill, and Todd—25.

So the motion to indefinitely postpone,
Was not agreed to.
Mr. Chapman of Laporte, moved a call of the Senate,
Which was not agreed to.
The question then recurring upon the passage of the bill,
The ayes and noes were desired by two Senators,
And were as follows:

Those who voted in the affirmative are,

Messrs. Alexander, Allison, Berry, Bowers, Bradbury, Chapman of Daviess, Coffin, Cotton, Dole, Edmonson, Farmer, Henry, Holloway, Hutton, Jackson, Kennedy, Major, Miller, Pennington, Rippey, Rockhill, Tannehill, and Todd—23.

Those who voted in the negative are,

Messrs. Akin, Carr, Chapman of Laporte, Davis, Defrees, Goodenow, Herriman, Hodge, Leviston, Logan, Moore, Morgan of Decatur, Morgan of Rush, Orth, Parks, Read, Ritchey, Stanford, and Wood—19.

So the bill passed.
Ordered, That the secretary inform the House of Representatives thereof, and ask their concurrence.
Mr. Davis moved to take from the table bill
No. 179. A bill to incorporate the Silver creek bridge company;
Which was agreed to.
Mr. Davis moved to amend the bill by adding as an additional section the following words:
"Sec. —. Said corporation shall have the right to repair and keep in repair, any part of the Crawfordsville and Jeffersonville road between New Albany and Jeffersonville, under the same restrictions and limitations as is provided in this act with regard to said Silver creek bridge;"
Which was agreed to.
The bill was then read a third time and passed.
Ordered, That the Secretary inform the House of Representatives thereof, and ask their concurrence.
No. 186. A bill to incorporate the Noland's Fork canal company.
On motion by Mr. Akin,
Ordered, That the bill lie upon the table.
House bill,
No. 126. A bill to abolish the office of county auditor in the county of Orange.
Mr. Chapman of Laporte moved to refer the bill to the committee on the judiciary, with instructions to enquire into the expediency of making the provisions of the bill general.
On the question of referring to the judiciary committee,
The ayes and noes were desired by two Senators,
And were as follows:

Those who voted in the affirmative are,

Messrs. Allison, Bowers, Bradbury, Buell of Warren, Carr, Chapman of Laporte, Coffin, Davis, Defrees, Dole, Farmer, Goodenow,

Hamer, Holloway, Moore, Morgan of Decatur, Morgan of Rush, Orth, and Stanford—19.

Those who voted in the negative are,

Messrs. Akin, Alexander, Berry, Chapman of Daviess, Cotton, Edmonson, Henry, Herriman, Hodge, Hutton, Jackson, Jones, Kennedy, Leviston, Logan, Major, Miller, Parks, Pennington, Read, Rippey, Ritchey, Rockhill, Tannehill, Todd, and Wood—26.

So the bill was not so referred.

It was then read a third time.

And on the question,

"Shall the bill pass?"

The ayes and noes being desired by two Senators,

Those who voted in the affirmative are,

Messrs. Akin, Alexander, Allison, Berry, Chapman of Daviess, Cotton, Edmonson, Henry, Herriman, Hutton, Jackson, Jones, Kennedy, Leviston, Logan, Major, Miller, Parks, Read, Rippey, Rockhill, Tannehill, and Wood—23.

Those who voted in the negative are,

Messrs. Bowers, Bradbury, Buell of Warren, Carr, Chapman of Laporte, Coffin, Davis, Defrees, Dole, Farmer, Goodenow, Hamer, Hodge, Holloway, Moore, Morgan of Decatur, Morgan of Rush, Orth, Ritchey, Stanford, and Todd—21.

So the bill passed.

Ordered, That the Secretary inform the House of Representatives thereof.

No. 190. A bill abolishing the office of county auditor in the county of Blackford;

Was read a third time.

And on the question,

"Shall the bill pass?"

The ayes and noes were desired by two Senators,

And were as follows:

Those who voted in the affirmative are,

Messrs. Akin, Alexander, Allison, Berry, Chapman of Daviess, Cotton, Edmonson, Henry, Herriman, Hodge, Jackson, Jones, Kennedy, Leviston, Logan, Major, Miller, Parks, Read, Rippey, Rockhill, Stanford, Tannehill, Todd, and Wood—25.

Those who voted in the negative are,

Messrs. Bowers, Bradbury, Buell of Warren, Carr, Chapman of Laporte, Davis, Defrees, Dole, Farmer, Goodenow, Hamer, Holloway, Hutton, Moore, Morgan of Rush, Orth, and Ritchey—18.

So the bill passed.

Ordered, That the Secretary inform the House of Representatives thereof, and ask their concurrence.

No. 157. A bill providing for the distribution of the road tax paid into the State Treasury by the several Branches of the State Bank;

Was read a second time.

Mr. Chapman of Laporte moved to refer the bill to the committee on roads;

Which was not agreed to.

Mr. Morgan of Decatur moved to suspend the rule and read the bill a third time now;

Upon which,

The ayes and noes being desired by two Senators,

Those who voted in the affirmative are,

Messrs. Akin, Alexander, Allison, Bowers, Bradbury, Buell of Warren, Carr, Chapman of Daviess, Cotton, Edmonson, Farmer, Henry, Herriman, Hodge, Holloway, Jackson, Jones, Kennedy, Lane, Leviston, Logan, Major, Miller, Moore, Morgan of Decatur, Morgan of Rush, Parks, Pennington, Read, Rippey, Ritchey, Rockhill, Stanford, Tannehill, Todd, and Wood—36.

Those who voted in the negative are,

Messrs. Berry, Chapman of Laporte, Coffin, Defrees, Goodenow, Hamer, Hutton, and Orth—8.

So the rule of the Senate was suspended,

The bill read a third time, and passed.

Ordered, That the Secretary inform the House of Representatives thereof and ask their concurrence.

Message from the House of Representatives, by Mr. Farquhar, their Clerk:

MR. PRESIDENT:

The Speaker of the House has signed the following enrolled bills of the Senate:

No. 72. An act to attach additional territory to the county of Ohio, and for other purposes;

No. 103. An act to incorporate the Mechanics' Institute at Lafayette, in the county of Tippecanoe;

No. 115. An act to amend an act entitled, "An act to incorpo-

rate the city of New Albany, and to repeal all laws now in force incorporating the town of New Albany," approved February 14, 1839;

Which I am directed to bring to the Senate for the signature of the President.

Thereupon the President affixed his signature to said enrolled bills;

And they were delivered to the joint committee on enrolled bills to be presented to His Excellency the Governor, for his approval and signature.

No. 158. A bill for the relief of John Walker;

Was read a second time, and,

On motion by Mr. Ritchey,

Was referred to the committee on education.

No. 161. A bill to provide for the election of a commissioner on the Wabash and Erie canal east of the Tippecanoe river;

Was read a second time, and,

On motion by Mr. Orth,

Was ordered to lie upon the table.

No. 162. A bill for the limitation of suits on bonds and promissory notes;

Was read a second time, and,

On motion by Mr. Morgan of Rush,

Was referred to the committee on the judiciary.

No. 155. A bill amendatory to an act entitled, "An act abolishing docket fees and dispensing with final records in certain cases," approved January 28, 1843;

Was read a second time, and,

On motion by Mr. Pennington,

The further consideration thereof was indefinitely postponed.

No. 156. A bill to authorize the closing up of the suspended debt;

Was read a second time, and,

On motion by Mr. Ritchey,

The rule of the Senate was suspended,

The bill read a third time, and passed.

No. 159. A bill to locate a State road in the counties of Martin and Orange;

Was read a second time, and,

On motion by Mr. Miller,

The rule of the Senate was suspended,

The bill read a third time, and passed.

No. 160. A bill to authorize the revaluation of school lands in Crawford county;

Was read a second time, and,

On motion by Mr. Miller,

The rule of the Senate was suspended,

The bill read a third time, and passed.

No. 164. A bill in relation to the county auditor and treasurer of Elkhart county;

Was read a second time, and,

On motion by Mr. Rippey,

The rule of the Senate was suspended,

The bill read a third time, and passed.

No. 177. A bill more effectually to enable supervisors to open and keep in repair public highways;

Was read a second time, and,

On motion by Mr. Herriman,

The rule of the Senate was suspended,

The bill read a third time and passed.

No. 180. A bill to repeal part of an act entitled, "An act to change the mode of doing county business in the counties of Warrick and Dubois," approved February 11, 1843;

Was read a second time, and,

On motion by Mr. Edmonson,

The rule of the Senate was suspended,

The bill read a third time and passed.

No. 183. A bill to legalize the proceedings of Stephens Casey;

Was read a second time, and,

On motion by Mr. Hodge,

The rule of the Senate was suspended,

The bill read a third time and passed.

No. 194. A bill to provide for the dissolving of partnership fences;

Was read a second time, and,

On motion by Mr. Chapman of Laporte,

The rule of the Senate was suspended,

The bill read a third time and passed.

Ordered, That the Secretary inform the House of Representatives of the passage of said bills and ask their concurrence.

No. 163. A bill concerning certain conveyances therein named;

Was read a second time, and,

On motion by Mr. Herriman,

Was referred to the committee on the judiciary.

No. 175. A bill in relation to the county seminary fund, of Laporte county;

Was read a second time and ordered to be engrossed.

No. 178. A joint resolution against the revival of the sub-treasury law;

Was read a second time.

Mr. Buell of Dearborn moved to lay the joint resolution upon the table.

Mr. Ritchey moved a call of the Senate;

Which was agreed to.

The Secretary proceeded to call the roll of the Senate, and reported the absentees; and,

On motion by Mr. Parks,

The absentees were sent for.

And having made their appearance,

On motion by Mr. Defrees,

The further call was suspended.

The question then recurring upon the motion to lay upon the table,

The ayes and noes were desired by two Senators,

Those who voted in the affirmative are,

Messrs. Akin, Berry, Buell of Dearborn, Carr, Chapman of Daviess, Chapman of Laporte, Duzan, Edmonson, Herriman, Hutton, Jackson, Jones, Kennedy, Lane, Leviston, Logan, Major, Miller, Parks, Read, Rippey, Ritchey, Rockhill, Tannehill, and Wood—25.

Those who voted in the negative are,

Messrs. Alexander, Allison, Bowers, Bradbury, Buell of Warren, Coffin, Cotton, Davis, Defrees, Dole, Ewing, Farmer, Goodenow, Hamer, Henry, Hodge, Holloway, Moore, Morgan of Decatur, Morgan of Rush, Orth, Pennington, Reyburn, Stanford, and Todd —25.

The Senate being equally divided,

The President gave the casting vote in the negative.

So the motion to lay upon the table was not agreed to.

Mr. Buell of Dearborn moved to indefinitely postpone the further consideration of the joint resolution.

Upon which,

The ayes and noes being desired by two Senators,

Those who voted in the affirmative are,

Messrs. Akin, Berry, Buell of Dearborn, Carr, Chapman of Daviess, Chapman of Laporte, Duzan, Edmonson, Herriman, Hutton, Jackson, Jones, Kennedy, Lane, Leviston, Logan, Major, Miller, Parks, Read, Rippey, Ritchey, Rockhill, Tannehill, and Wood—25.

Those who voted in the negative are,

Messrs. Alexander, Allison, Bowers, Bradbury, Buell of Warren, Coffin, Cotton, Davis, Defrees, Dole, Ewing, Farmer, Goodenow, Hamer, Henry, Hodge, Holloway, Moore, Morgan of Decatur, Morgan of Rush, Orth, Pennington, Reyburn, Stanford, and Todd —25.

The Senate being equally divided,

The President gave the casting vote in the affirmative.

So the further consideration of the joint resolution is indefinitely postponed.

No. 176. A blil to authorize the school trustees of congressional townships to act as examiners of common school teachers;

Was read a second time.

Mr. Buell of Dearborn moved to amend the bill so as to exempt the county of Dearborn from its operations.

Mr. Chapman of Laporte moved to amend the amendment so as to exempt the counties of Porter, Lake, and Laporte;

Which was accepted by the mover.

Mr. Jones moved to amend the amendment so as to exempt the county of Fountain from its operations.

Mr. Allison moved to refer the bill and proposed amendments to a select committee;

Which was agreed to.

Ordered, That said committee consist of Messrs. Allison, Stanford, and Farmer.

No. 197. A bill to amend an act entitled, "An act to reduce the tolls on the New Albany and Vincennes road, and for other purposes," approved January 13, 1844;

Was read a second time.

Mr. Miller submitted the following amendment:

Add after the word "overplus" in the third line of the third section the following words:

"To the liquidation and payment of all scrip outstanding in the hands of contractors or laborers, and all other persons who have furnished materials, provisions, or provender for the prosecution of repairs done on said road, and the residue of funds, if any there be, shall be applied in just proportions."

Mr. Lane moved to refer the bill and amendment to a select committee, with the following instructions:

"Amend the bill so as to discriminate between the present holder of the certificates and the original owners, so that the present holder be entitled to the full amount of costs with interest, the balance to be paid to the original owner."

Upon which,

The ayes and noes being desired by two Senators,

Those who voted in the affirmative are,

Messrs. Allison, Berry, Carr, Chapman of Daviess, Edmonson, Herriman, Hutton, Jackson, Kennedy, Lane, Major, Read, Rippey, and Rockhill—14.

Those who voted in the negative are,

Messrs. Akin, Alexander, Bowers, Bradbury, Buell of Dearborn, Buell of Warren, Coffin, Cotton, Davis, Defrees, Ewing, Farmer, Goodenow, Hamer, Henry, Hodge, Holloway, Jones, Leviston, Logan, Miller, Moore, Morgan of Decatur, Morgan of Rush, Orth,

Pennington, Reyburn, Ritchey, Stanford, Tannehill, Todd and Wood—32.

So the bill and amendments were not so referred.

Mr. Herriman moved to lay the bill and proposed amendments upon the table.

Upon which,

The ayes and noes being desired by two Senators,

Those who voted in the affirmative are,

Messrs. Carr, Chapman of Laporte, Edmonson, Herriman, Hutton, Jackson, Jones, Lane, Logan, Major, Read, Rippey, and Rockhill—13.

Those who voted in the negative are,

Messrs. Akin, Alexander, Allison, Berry, Bradbury, Buell of Dearborn, Buell of Warren, Chapman of Daviess, Coffin, Cotton, Davis, Defrees, Ewing, Farmer, Goodenow, Hamer, Hodge, Holloway, Leviston, Miller, Moore, Morgan of Decatur, Morgan of Rush, Orth, Pennington, Reyburn, Ritchey, Stanford, Tannehill, Todd and Wood—31.

So the motion to lay upon the table,

Was not agreed to.

Mr. Davis moved to lay the amendment upon the table,

Which was agreed to.

Mr. Miller moved to indefinitely postpone the further consideration of the bill.

Upon which,

The ayes and noes were desired by two Senators,

Those who voted in the affirmative are,

Messrs. Berry, Chapman of Laporte, Edmonson, Herriman, Jackson, Leviston, Logan, Major, Miller, Read, Rippey, Ritchey, Rockhill, and Wood—14.

Those who voted in the negative are,

Messrs. Akin, Alexander, Allison, Bowers, Bradbury, Buell of Dearborn, Buell of Warren, Carr, Chapman of Daviess, Coffin, Cotton, Davis, Defrees, Dole, Ewing, Farmer, Goodenow, Hamer, Henry, Hodge, Holloway, Hutton, Jones, Lane, Moore, Morgan of Decatur, Morgan of Rush, Orth, Pennington, Reyburn, Stanford, Tannehill, and Todd—33.

So the further consideration of the bill was not indefinitely postponed.

Mr. Edmonson moved to amend the bill by striking out all that

part authorizing the appropriation of tolls received upon the finished part of said road, to the completion or keeping in repair of the west end of said road,

Which was not agreed to.

The question then recurred upon engrossing the bill.

The ayes and noes being desired by two Senators,

Those who voted in the affirmative are,

Messrs. Akin, Alexander, Allison, Bowers, Bradbury, Buell of Dearborn, Buell of Warren, Carr, Chapman of Daviess, Coffin, Cotton, Davis, Defrees, Dole, Ewing, Farmer, Goodenow, Hamer, Holloway, Jones, Kennedy, Lane, Logan, Moore, Morgan of Decatur, Morgan of Rush, Orth, Pennington, Reyburn, Stanford, and Todd—31.

Those who voted in the negative are,

Messrs. Berry, Chapman of Laporte, Edmonson, Herriman, Hutton, Jackson, Leviston, Major, Miller, Read, Rippey, Ritchey, Rockhill, and Wood—14.

So the bill was ordered to be engrossed.

On motion by Mr. Davis,

The rule of the Senate was suspended,

The bill read a third time.

And on the question, "Shall the bill pass?"

The ayes and noes being desired by two Senators,

Those who voted in the affirmative are,

Messrs. Alexander, Bowers, Bradbury, Buell of Dearborn, Buell of Warren, Chapman of Daviess, Coffin, Cotton, Davis, Defrees, Dole, Ewing, Farmer, Goodenow, Hamer, Holloway, Jones, Kennedy, Lane, Moore, Morgan of Decatur, Morgan of Rush, Orth, Pennington, Reyburn, Stanford, and Todd—27.

Those who voted in the negative are,

Messrs. Akin, Berry, Chapman of Laporte, Edmonson, Henry, Herriman, Hutton, Jackson, Leviston, Logan, Major, Miller, Parks, Read, Rippey, Ritchey, Rockhill, and Wood—18.

So the bill passed.

Ordered, That the Secretary inform the House of Representatives thereof, and ask their concurrence.

Message from the House by Mr. Farquhar, their Clerk.

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate, that the House have receded from their amendment to Senate bill,

No. 72. A bill to attach additional territory to the county of Ohio;

Mr. Duzan, from the joint committee on enrolled bills, submitted the following report:

MR. PRESIDENT:

The joint committee on enrolled bills, did, on the 7th instant, present to his Excellency the Governor, for his approbation and signature, the following enrolled bills of the Senate, to-wit:

No. 154. An act to amend an act, entitled, "an act regulating the time of holding courts in the county of Tippecanoe," approved January 15, 1844;

No. 136. An act repealing a certain act therein named;

No. 134. An act to amend the act to establish a levee from the town of Vincennes, through the lower prairie, near the Wabash river, to the Grand coulee, approved February 2, 1833;

No. 131. An act to provide for the payment of the members and officers of the present General Assembly;

No. 122. An act to revive part of an act therein named, in the county of Ripley;

No. 116. An act to locate a State road in Randolph and Jay counties;

No. 117. An act to authorize the county commissioners of Floyd county to employ a physician to attend the poor of said county;

No. 110. An act providing for the location of a State road in the counties of Parke and Vermillion;

No. 112. An act to incorporate the proprietors of the Lawrenceburgh cemetery;

No. 88. An act for the relief of the estate of Samuel Lewis, late of Allen county, deceased;

No. 27. An act to revise and amend an act, entitled, an act to incorporate the Richmond and Boston turnpike company, approved February 15, 1839;

No. 63. An act to establish an additional place of holding elections in Lafayette township, Floyd county;

No. 166. An act to incorporate the Lawrenceburgh seminary of learning in the county of Dearborn;

No. 75. An act to provide for erecting a bridge across Laughery creek, in Ripley county;

No. 191. A joint resolution on the subject of the Wabash and Erie canal west of Lafayette;

Was read a second time, and,

On motion by Mr. Orth,

Was ordered to lie upon the table.

No. 195. A bill authorizing Joseph Quinn and James Norvell to erect toll bridges;

Was read a second time.

Mr. Kennedy submitted the following amendment to the bill:

"The bridge over Brandywine to be a good and sufficient frame, floored with plank not less than two and a half inches thick;"

Which was agreed to.

On motion by Mr. Kennedy,

The rule of the Senate was suspended,

The bill read a third time, and passed.

Ordered, That the Secretary inform the House of Representatives thereof, and ask their concurrence.

No. 168. A bill to amend an act to incorporate the College Corner and Liberty turnpike company, and the Liberty and Abington turnpike company;

Was read a second time.

Mr. Herriman moved to refer the bill to the committee on corporations.

The ayes and noes being desired by two Senators,

Those who voted in the affirmative are,

Messrs. Allison, Bowers, Chapman of Daviess, Chapman of Laporte, Defrees, Edmonson, Farmer, Goodenow, Hamer, Herriman, Kennedy, Lane, Major, Morgan of Decatur, Rippey, Ritchey, Rockhill, and Stanford—18.

Those who voted in the negative are,

Messrs. Akin, Bradbury, Buell of Warren, Carr, Coffin, Cotton, Davis, Henry, Hodge, Holloway, Leviston, Logan, Miller, Moore, Morgan of Rush, Orth, Parks, Pennington, Read, Tannehill, Todd, and Wood—22.

So the motion was not agreed to.

Mr. Herriman moved to strike out the first section of the bill;

Which was agreed to.

On motion by Mr. Leviston,

Ordered, That the bill lie upon the table.

Mr. Ritchey moved to take from the table bill of the House,

No. 180. A bill fixing the time of holding courts in the fifth judicial circuit;

Which was agreed to.

On motion by Mr. Ritchey,

The rule of the Senate was suspended,
The bill read a third time, and passed.
Ordered, That the Secretary inform the House of Representatives thereof.
Mr. Orth moved to take from the table,
No. 193. A joint resolution for the relief of David T. Yeakel and Elizur Deming;
Which was agreed to.
Mr. Orth submitted the following amendment to the joint resolution:
Strike out "commissioners of the sinking fund," and insert:
"Treasurer of State be and he is hereby authorized to loan Drs. David T. Yeakel and Elizur Deming eleven hundred dollars out of the college, bank tax, or other funds in his hands, for the term of five years, with the appropriate interest of such fund as he may loan, to be secured by mortgage on lots Nos. 1 and 2, of the town of Lafayette, with the infirmary buildings thereon, provided, he shall consider said property, when unincumbered, sufficient security;"
Which was agreed to, and,
On motion by Mr. Orth,
The rule of the Senate was suspended,
The bill read a third time, and passed.
Ordered, That the Secretary inform the House of Representatives thereof, and ask their concurrence.
Mr. Orth moved to take from the table,
No. 231. A bill to provide for the completion of the Wabash and Erie canal to Terre Haute;
Which was agreed to.
On motion by Mr. Orth,
The said bill was made the special order of the day for Thursday next at ten o'clock, A. M., in committee of the whole.
Mr. Akin moved to take from the table,
No. 168. A bill to amend an act to incorporate the College Corner and Liberty turnpike company, and the Liberty and Abington turnpike company," approved January 15, 1844;
Which was agreed to.
Mr. Akin moved to amend the bill by adding the following as an additional section:
"That so much of the sixth section of the above recited act as reserves to the Legislature the right to amend or repeal said charter, be and the same is hereby repealed."
On motion by Mr. Akin,
The rule of the Senate was suspended,
The bill read a third time, and passed.
Ordered, That the Secretary inform the House of Representatives thereof, and ask their concurrence.
On motion by Mr. Parks,
The Senate adjourned.

WEDNESDAY MORNING, JANUARY 8, 1845.

The Senate assembled.

On motion by Mr. Pennington,
The reading of the Journal was dispensed with.

Mr. Wood presented the petition of Samuel Hall and others, citizens of the counties of Jay and Adams, on the subject of a State road therein named;
Which was referred to the committee on roads.
Mr. Reyburn presented the petition of James Douglass and others, citizens of the county of Miami, praying for the repeal of the law restricting justices of the peace to their own townships, at least so far as the said county of Miami is concerned;
Which was referred to the committee on the judiciary.
Mr. Todd presented the petition of sundry residents and taxpayers of school district No. 1, in congressional township No. 15, in Marion county, on the subject of a tax to build a school house;
Which was referred to a select committee.
Ordered, That said committee consist of Messrs. Todd, Hamer, and Morgan of Rush.
Mr. Ritchey, chairman of the committee on finance, submitted the following report:

MR. PRESIDENT:

The committee on finance, to whom was referred bill of the House of Representatives No. 156, entitled, "An act for the relief of Milton Stapp," after due deliberation, have directed me to report that, in their opinion, it is inexpedient to legislate upon the subject, and ask to be discharged from its further consideration.
Ordered, That the committee be discharged from the further consideration of the subject.
Mr. Ritchey submitted the following amendment to the bill:
Add as an additional section:
Sec. —. That the time for the payment of a note of nine thousand dollars, with the interest thereon, made by the trustees of Wabash College, payable to the sinking fund, be and the same is hereby extended five years from the time said note becomes due, and to bear interest as heretofore; and that the trustees of Wabash College be allowed to pay at any time within the aforesaid five years the full amount due from them to the sinking fund in the bonds of the State, which may be justly owing by the State, whether the same be due or not due.
Mr. Defrees moved to lay the amendment upon the table.
The ayes and noes being desired by two Senators,

Those who voted in the affirmative are,

Messrs. Alexander, Bowers, Bradbury, Buell of Warren, Chapman of Laporte, Coffin, Cotton, Davis, Defrees, Dole, Ewing, Farmer, Goodenow, Hamer, Henry, Holloway, Lane, Morgan of Decatur, Orth, Parks, Pennington, Stanford, and Todd—23.

Those who voted in the negative are,

Messrs. Akin, Berry, Buell of Dearborn, Carr, Chapman of Daviess, Duzan, Edmonson, Herriman, Hodge, Hutton, Jackson, Jones, Leviston, Logan, Major, Miller, Moore, Morgan of Rush, Read, Reyburn, Rippey, Ritchey, Rockhill, Tannehill, and Wood—25.

So the motion was not agreed to.

Mr. Chapman of Laporte moved to amend the amendment by adding as an additional section the following words:

Sec. —. That John Woodburn, John King, Victor King, and George W. Leonard, shall have all the benefits of the provisions of the first section of this act, in settling their four several promissory notes for the sum of thirty-five hundred dollars each, payable to the State of Indiana.

Which was accepted by the mover.

Mr. Parks moved to lay the amendment upon the table.

Upon which,

The ayes and noes being desired by two Senators,

Those who voted in the affirmative are,

Messrs. Akin, Alexander, Bowers, Bradbury, Buell of Dearborn, Buell of Warren, Coffin, Cotton, Davis, Defrees, Dole, Farmer, Goodenow, Henry, Hodge, Holloway, Jackson, Lane, Morgan of Decatur, Orth, Parks, Pennington, Reyburn, Rockhill, Stanford, Tannehill, and Todd—27.

Those who voted in the negative are,

Messrs. Berry, Carr, Chapman of Daviess, Chapman of Laporte, Duzan, Edmonson, Ewing, Hamer, Herriman, Hutton, Jones, Leviston, Logan, Major, Miller, Moore, Morgan of Rush, Read, Rippey, and Ritchey—20.

So the amendment was ordered to lie upon the table.

Mr. Buell of Dearborn, submitted the following amendment to the bill:

Amend, by adding the following words:

"*Provided*, That all securities said Stapp may be in possession of or has received, as well as all claims he may still hold, or may be held for his benefit, in lieu of the amount lost by the Madison Savings Institution, shall be transferred to the State."

Upon which,

The ayes and noes being desired by two Senators,

Those who voted in the affirmative are,

Messrs. Berry, Bowers, Bradbury, Buell of Dearborn, Buell of Warren, Carr, Chapman of Daviess, Coffin, Cotton, Davis, Ewing, Farmer, Goodenow, Hamer, Henry, Herriman, Hodge, Holloway, Lane, Leviston, Moore, Morgan of Decatur, Morgan of Rush, Orth, Parks, Pennington, Reyburn, Tannehill, and Todd—29.

Those who voted in the negative are,

Messrs. Akin, Chapman of Laporte, Defrees, Dole, Duzan, Edmonson, Hutton, Jackson, Jones, Logan, Major, Miller, Read, Rippey, Ritchey, Rockhill, Stanford, and Wood—18.

So the amendment was adopted.

Mr. Carr moved to fill the blank in the first section with the word "said."

Which was agreed to.

The question then being, "Shall the bill be read a third time?"

The ayes and noes being desired by two Senators,

Those who voted in the affirmative are,

Messrs. Akin, Alexander, Bowers, Bradbury, Buell of Warren, Coffin, Cotton, Davis, Defrees, Dole, Ewing, Farmer, Goodenow, Hamer, Henry, Holloway, Jones, Lane, Moore, Morgan of Decatur, Morgan of Rush, Orth, Parks, Pennington, Reyburn, Tannehill, and Todd—27.

Those who voted in the negative are,

Messrs. Berry, Buell of Dearborn, Carr, Chapman of Daviess, Chapman of Laporte, Duzan, Edmonson, Herriman, Hodge, Hutton, Jackson, Leviston, Logan, Major, Miller, Read, Rippey, Ritchey, Rockhill, Stanford, and Wood—21.

So it was,

Ordered, That the bill pass to a third reading.

Mr. Leviston, from the committee on finance, submitted the following report:

MR. PRESIDENT:

The committee on finance to which was referred a bill of the House,

No. 80. Entitled, a bill for the correction of errors in assessing property in Jefferson county;

Have, according to order, had the same under consideration, and have directed me to report that it is inexpedient further to legislate on that subject, and recommend the indefinite postponement of the bill.

Ordered, That said report of the committee be concurred in.

Mr. Henry, from the committee on finance, submitted the following report:

MR. PRESIDENT:

The committee on finance, to whom was referred bill of the Senate,

No. 228. A bill to authorize the several boards doing county business in this State to equalize the assessment of real estate;

Have had the same under consideration, and have directed me to report the bill back and recommend its indefinite postponement.

Ordered, That the report of the committee be concurred in,

And the further consideration of the bill indefinitely postponed.

Mr. Carr, from the committee on finance, submitted the following report:

MR. PRESIDENT:

The committee on finance, to which was referred bill of the House of Representatives, entitled,

No. 94. A bill to amend certain provisions of the revenue laws in Elkhart county;

Have, according to order, had the same under consideration, and have directed me to report said bill back to the Senate, and recommend that it be indefinitely postponed.

Ordered, That the report of the committee be concurred in,

And the further consideration of the bill be indefinitely postponed.

Mr. Chapman, chairman of the committee on the judiciary, submitted the following report:

MR. PRESIDENT:

The committee on the judiciary, to whom was referred the petition of Alexander M. Gifford and others, citizens of Noble county, on the subject of selecting jurors,

Have had the same under consideration, and have directed me to report it inexpedient to legislate thereon.

Ordered, That the report of the committee be concurred in.

Mr. Chapman of Laporte, chairman of the committee on the judiciary submitted the following report:

MR. PRESIDENT:

The committee on the judiciary, to whom was referred bill of the Senate,

No. 207. A bill in addition to the ninth article of the thirtieth chapter of the Revised Statutes;

Have had the same under consideration, and have directed me to report the same back without amendment, and recommend its passage.

On motion by Mr. Chapman of Laporte,

The rule of the Senate was suspended,

And the bill read a third time and passed.

Ordered, That the Secretary inform the House of Representatives thereof, and ask their concurrence.

Mr. Ewing, from the committee on the judiciary, submitted the following report:

MR. PRESIDENT:

The committee on the judiciary, to whom was referred a resolution of the Senate, in relation to replevin bail in State cases,

Have had that subject under consideration, and directed me to report the following bill and recommend its passage:

No. 237. A bill explanatory of certain portions of the fifty-fourth chapter of the Revised Statutes;

Which was read.

On motion by Mr. Orth,

The rule of the Senate was suspended,

And the bill read a second time.

On motion by Mr. Davis,

Ordered, That the bill lie upon the table.

Mr. Ewing, from the committee on the judiciary, submitted the following report:

MR. PRESIDENT:

The committee on the judiciary, to whom was referred the memorial of James Smith, on the subject of the title to certain lands in Gibson county, have had the same under consideration, and have directed me to report the following joint resolution and recommend its passage:

No. 238. A joint resolution in relation to the titles of purchasers of seminary lands in Gibson county;

Which was read.

On motion by Mr. Farmer,

The rule of the Senate was suspended and the joint resolution read a second time.

Mr. Chapman of Laporte moved to strike out the preamble to said joint resolution;

Which was agreed to.

Ordered, That said joint resolution be engrossed.

Mr. Davis, from the committee on the judiciary, submitted the following report:

MR. PRESIDENT:

The committee on the judiciary, to which was referred bill of the House of Representatives No. 259, "A bill for the relief of Benjamin H. Scott, of Miami county," have had the same under consideration, and have directed me to report said bill back and recommend its passage.

Mr. Reyburn moved to amend the bill by striking out the words "and interest;"

Which was agreed to.

On motion by Mr. Orth,

The rule of the Senate was suspended,

The bill read a third time, and passed.

Ordered, That the Secretary inform the House of Representatives thereof and ask their concurrence in the amendment of the Senate.

Mr. Davis, from the committee on the judiciary, submitted the following report:

MR. PRESIDENT:

The committee on the judiciary, to whom was referred bill of the House of Representatives No. 104, "A bill to abolish the office of county auditor in the county of Spencer," have had said bill under consideration, and have instructed me to report the same back to the Senate and recommend its indefinite postponement.

Ordered, That the report of the committee be concurred in, and the further consideration of the bill be indefinitely postponed.

Mr. Davis, from the committee on the judiciary, submitted the following report:

MR. PRESIDENT:

The committee on the judiciary, to whom was referred bill of the House of Represenatives No. 87, "A bill to abolish the office of county auditor in the county of Putnam," have had the same under consideration, and have directed me to report said bill back to the Senate and recommend its indefinite postponement.

Ordered, That the report of the committee be concurred in, and the further consideration of the subject be indefinitely postponed.

Mr. Defrees, from the committee on the judiciary, submitted the following report:

MR. PRESIDENT:

The committee on the judiciary, to whom was referred sundry petitions from citizens of Allen county, praying the passage of a law confining voters to their respective townships, have had them under consideration, and directed me to report that, inasmuch as a bill accomplishing the object of the petitioners, has passed the Senate, further legislation is unnecessary, and ask to be discharged from the further consideration thereof.

Ordered, That the report of the committee be concurred in, and they discharged from the further consideration of the subject.

Mr. Defrees, from the committee on the judiciary, submitted the following report:

MR. PRESIDENT:

The judiciary committee, to whom was referred bill of the Senate No. 220, entitled, "A bill on the subject of the limitation of actions upon judgments rendered before justices of the peace," have had it under consideration, and have directed me to report it back and recommend its indefinite postponement.

Ordered, That the report of the committee be concurred in, and the further consideration of the bill be indefinitely postponed.

Mr. Akin, from the committee on the judiciary, submitted the following report:

MR. PRESIDENT:

The judiciary committee, to which was referred a resolution of the Senate in relation to prosecuting attorneys' fees, have given the same that consideration its importance required, and have instructed me to report that they deem legislation on the subject inexpedient at this time, and ask to be discharged from the further consideration thereof.

Ordered, That the report of the committee be concurred in, and they discharged from the further consideration of the subject.

Mr. Akin, from the committee on the judiciary, submitted the following report:

message from the Governor, transmitting certain resolutions of the Commonwealth of Massachusetts, "concerning an amendment to the Constitution of the United States," and, also, resolutions upon the same subject, passed by the Legislatures of Virginia, Maryland, and Kentucky, have had the same under consideration, and beg leave respectfully to report, that the amendment to the Constitution proposed by said resolutions, is one of very great importance, and involves an entire change in the basis of representation and taxation, upon which the union of the States composing our national confederacy was originally formed. The committee have been prevented by the press of other business, and the shortness of the present session, from entering into a detailed examination of so grave a question; but they are of opinion that it would be inexpedient to press the consideration of such an amendment to the Constitution at the present time. They therefore respectfully ask to be discharged from the further consideration of the subject.

On the question of concurring in the report of the committee,

The ayes and noes were desired by two Senators,

And were as follows:

Those who voted in the affirmative are,

Messrs. Akin, Alexander, Berry, Buell of Dearborn, Buell of Warren, Carr, Chapman of Daviess, Chapman of Laporte, Coffin, Davis, Defrees, Dole, Duzan, Edmonson, Farmer, Goodenow, Hamer, Henry, Herriman, Holloway, Hutton, Jackson, Jones, Kennedy, Lane, Leviston, Logan, Major, Miller, Moore, Morgan of Decatur, Parks, Pennington, Read, Rippey, Ritchey, Rockhill, Tannehill, and Wood—39.

Those who voted in the negative are,

Messrs. Bradbury, Cotton, Hodge, Morgan of Rush, Orth, Reyburn, and Stanford—7.

So the report of the committee was concurred in, and they discharged from the further consideration of the subject.

Leave being granted,

Mr. Tannehill submitted the following resolution:

Resolved, That when the Senate next adjourns, it will adjourn to meet to-morrow morning at nine o'clock.

Upon which,

Those who voted in the affirmative are,

Messrs. Akin, Berry, Buell of Dearborn, Carr, Chapman of Daviess, Chapman of Laporte, Coffin, Cotton, Davis, Defrees, Dole, Duzan, Edmonson, Henry, Herriman, Hodge, Holloway, Hutton, Jackson, Jones, Kennedy, Lane, Leviston, Major, Morgan of Decatur, Parks, Pennington, Read, Rippey Ritchey, Rockhill, Stanford, Tannehill, Todd, and Wood—35.

Those who voted in the negative are,

Messrs. Alexander, Bowers, Bradbury, Buell of Warren, Ewing, Farmer, Goodenow, Hamer, Logan, Miller, Moore, Morgan of Rush, Orth, and Reyburn—14.

So the resolution was agreed to.

Mr. Stanford, chairman of the committee on education, submitted the following report:

MR. PRESIDENT:

The committee on education, to whom was referred the petition of sundry citizens of Orange township, Noble county, asking for the passage of an act abolishing the office of congressional township trustees in said township, and substituting the board of township trustees, as provided for by a law for the more uniform mode of doing township business in said county, instead of said congressional township trustees, have had that subject under consideration, and insomuch as there is not necessarily a correspondence in the lines of the congressional and political townships, the latter being liable to be changed at any time by the county board, whereby the school system would be deranged; therefore, the committee have directed me to report that, in their opinion, the prayer of the petitioners should not be granted, and the committee ask to be discharged from a further consideration of the subject.

Ordered, That the report of the committee be concurred in, and they discharged from the further consideration of the subject.

Mr. Parks, from the committee on education, submitted the following report:

MR. PRESIDENT:

The committee on education, to whom was referred an engrossed bill of the House of Representatives, No. 63, entitled, "An act for the relief of Harrison Barnett and Benjamin Powell," have, according to order, had the same under consideration, and your committee are of the opinion that legislation on the subject matter contemplated by said bill is uncalled for and inexpedient, as it would open the door for endless legislation on similar claims; therefore, they have directed me to report the same back to the Senate and recommend its indefinite postponement.

Ordered, That the report of the committee be concurred in, and the further consideration of the subject be indefinitely postponed.

Mr. Ritchey, from the committee on education, submitted the following report:

MR. PRESIDENT:

The committee on education, to whom was referred the petition of Timothy P. Hedge, Henry H. Trimble, and John G. Kerr, praying the passage of an act incorporating the "Ciceronian Society of Franklin College," having had the subject of the petition under advisement, have directed me to report the accompanying bill and recommend its passage:

No. 240. An act incorporating the Ciceronian Society of Franklin College;

Was read, and,

On motion by Mr. Ritchey,

The rule of the Senate was suspended,

The bill read a second and third times, and passed.

Ordered, That the Secretary inform the House of Representatives thereof, and ask their concurrence.

Leave having been obtained,

Mr. Defrees introduced,

No. 241. An act for the benefit of the clerk of St. Joseph county;

Which was read, and,

On motion by Mr. Defrees,

The rule of the Senate was suspended,

The bill read a second and third times, and passed.

Ordered, That the Secretary inform the House of Representatives thereof and ask their concurrence.

Mr. Morgan of Rush, from the committee on education, submitted the following report:

MR. PRESIDENT:

The committee on education, to whom was referred the petition of James Silvers and others, have had the same under consideration, and instructed me to report the following bill and recommend its passage:

No. 242. A bill for the relief of James Silvers of Rush county;

Which was read.

On motion by Mr. Orth,

The rule of the Senate was suspended,

The bill read a second and third times and passed.

Ordered, That the Secretary inform the House of Representatives thereof, and ask their concurrence.

Mr. Holloway, from the committee on education, submitted the following report:

MR. PRESIDENT:

The committee on education, to whom was referred bill of the House,

No. 114. Entitled, a bill to authorize the borrowers of the Congressional township fund to secure their loans by lands within the proper congressional townships;

Have had the same under consideration, and have directed me to report the same back to the Senate, and recommend its passage.

On motion by Mr. Holloway,

The rule of the Senate was suspended,

The bill read a second and third times and passed.

Ordered, That the Secretary inform the House of Representatives thereof.

Mr. Hutton, from the committee on education, submitted the following report:

MR. PRESIDENT:

The committee on education, to whom was referred bill of the House,

No. 98. An act for the relief of purchasers of certain school lands in the counties of Randolph, Scott, and Delaware;

Have had the same under consideration, and directed me to report the bill back to the Senate, and recommend its indefinite postponement.

Ordered, That the report of the committee be concurred in,

And the further consideration of the bill indefinitely postponed.

Mr. Herriman, chairman of the committee on roads, submitted the following report:

MR. PRESIDENT:

The committee on roads, to whom was referred bill of the House,

No. 75. Entitled, a bill to extend the time allowed to county auditors for making out the annual road tax list;

Have had the same under consideration, and have directed me to report, that inasmuch as we have already passed a bill on the same subject, it be laid on the table.

Ordered, That the report of the committee be concurred in,

And the bill lie upon the table.

Mr. Herriman, chairman of the committee on roads, submitted the following report:

MR. PRESIDENT:

The committee on roads, to whom was referred bill of the House, No. 45. Entitled, a bill to authorize supervisors to purchase suitable tools to work the roads with;

Have, according to order, had the same under consideration, and directed me to report the same back, and recommend its passage.

On motion by Mr. Herriman,
The rule of the Senate was suspended,
The bill read a second and third times and passed.
Ordered, That the Secretary inform the House of Representatives thereof.

Mr. Jones, chairman of the committee on canals and internal improvements, submitted the following report:

MR. PRESIDENT:

The committee on canals and internal improvements, to which was referred a resolution instructing said committee to inquire into the expediency of increasing the rates of tolls on the Wabash and Erie canal; have had the same under consideration, and have directed me to report the same back with the following joint resolution, and respectfully recommend its passage:

No. 243. A joint resolution regulating the tolls and water rents on the Wabash and Erie canal;
Was read.
On motion by Mr. Ritchey,
The rule of the Senate was suspended,
The joint resolution read a second time, and ordered to lie upon the table.

Mr. Dole, from the committee on canals and internal improvements, submitted the following report:

MR. PRESIDENT:

The committee on canals and internal improvements, have had under consideration a resolution of the Senate in relation to the leasing of water power belonging to the State, and have directed me to report the following bill, and recommend its passage:

No. 244. A bill in relation to water power on the Wabash and Erie canal;
Was read, and,
On motion by Mr. Dole,
The rule of the Senate was suspended,
The bill read a second and third times and passed.

Ordered, That the Secretary inform the House of Representatives of the passage thereof, and ask their concurrence.

Mr. Todd, chairman of the committee on the affairs of Indianapolis, submitted the following report:

MR. PRESIDENT:

The committee on the affairs of the town of Indianapolis, to whom was referred a joint resolution of the Senate, entitled,
No. 211. A joint resolution in relation to a suitable building for the public offices;
Have had the same under consideration, and have directed me to report the said joint resolution back to the Senate and respectfully recommend the passage thereof.

Mr. Chapman of Laporte, moved to strike out the fourth section of said bill;
Which was agreed to.
The question then being,
"Shall the bill be engrossed?"
It was decided in the negative.

Mr. Lane, chairman of the committee on claims, submitted the following report:

MR. PRESIDENT:

The committee on claims, to whom was referred bill of the House, No. 50. A bill for the relief of John Sankey of Vigo county;
Have had the same under consideration, and have directed me to report the same without amendment, for the consideration of the Senate.

No. 50. An act for the relief of John Sankey of Vigo county.
Ordered, That said bill be read a third time.
Leave having been obtained,
Mr. Lane submitted the following resolution:

Resolved, That the Auditor of State be requested to transmit to the Senate, at the earliest time practicable, the information why it is necessary to pass a special law authorizing the auditing or issuing a warrant to the late Treasurer of State for the sum of $5,610 58 cents, being the amount of a receipt given by said Treasurer on the Auditor's books, for which no credit has been given, as appears by the certificate of said Auditor.
Which was agreed to.

Mr. Lane, chairman on the committee of claims, submitted the following report:

MR. PRESIDENT:

The committee on claims, to whom was referred the account of S. P. Daniels for extra services rendered during the summer and fall of 1844, as keeper of the State House and grounds, in days works, cleaning house, and putting down carpet and in superintending the repairing of roof, have had the same under consideration, and have directed me to report the same, and ask that the same be referred to the committee on public buildings.

Ordered, That the report of the committee be concurred in.

Message from the House of Representatives, by Mr. Farquhar, their clerk.

MR. PRESIDENT:

The House have passed, without amendment, engrossed bills and joint resolution of the Senate of the following titles:

No. 12. An act to repeal a certain act therein named;

No. 25. A joint resolution relative to postage;

No. 74. An act providing compensation to supervisors of roads and highways;

No. 87. An act supplemental to an act entitled "an act relative to the water power at Northport in Noble county," approved January 21st, 1843;

No. 93. An act providing for the distribution of the saline and bank tax funds, among the several counties in this State.

No. 118. An act to incorporate the Elkhart brass band;

No. 143. An act for the relief of Millens Loomer;

No. 149. An act to change the mode of doing county business in the county of Parke;

No. 165. An act for the relief of Benoni Stinson and George W. Miller, trustees of school district No. 4, in Vanderburgh county;

No. 187. An act to change the mode of doing county business in the county of Washington;

No. 200. An act for the relief of Alfred Miles and Mary Miles;

No. 202. An act for the relief of Elijah Reeves;

No. 205. An act for the relief of Priscilla Lazenby and others;

No. 215. An act authorizing a company to construct a turnpike road from Cambridge City to Muncietown;

No. 232. An act to locate a State road in Clay and Blackford counties.

Mr. Lane, chairman of the committee on claims, submitted the following report:

MR. PRESIDENT:

The committee on claims, to whom was referred the petition of Thomas Murphy and accompanying documents, have had the same under consideration, and have directed me to report the following bill:

No. 245. A bill for the relief of Thomas Murphy;

Was read and ordered to a second reading.

On motion by Mr. Stanford,

The Senate adjourned.

Half past 6 *o'clock, P. M.*

The Senate assembled,

Upon the call of the President, for the purpose of interchanging resolutions with the House of Representatives on the subject of the death of the Hon. Jared Darrow, one of its members, and adopting measures for attending upon his funeral.

Message from the House of Representatives, by Mr. Farquhar, their clerk.

MR. PRESIDENT:

The House of Representatives have this day adopted the following resolutions:

Resolved, unanimously, That the members of this House have heard with a common grief, the announcement of the sudden and melancholy decease of the Hon. Jared Darrow, a member of this body, from the county of Huntington.

Resolved, unanimously, That the members and officers of this House have held in high esteem the many manly qualities of the head and heart of the deceased, and will cherish them in affectionate remembrance, and that in his death we feel the loss of a kind friend, an efficient and patriotic legislator, and a good man.

Resolved, unanimously, That this body sympathize deeply with the family and friends of the deceased, in this their heavy affliction, and the community in which he lived, deprived by his death, of a most useful and valuable member.

Resolved, unanimously, That, as an evidence of regard for the character and virtues of the deceased, the members and officers of this House, the members and officers of the Senate, (if concurring,) and the Governor and officers of State, will attend upon the funeral service of the deceased.

Resolved, unanimously, That the Senate and its officers be invited

to unite with the House in paying this testimonial to the memory of our departed friend and fellow member.

Resolved, *unanimously*, That, as a further token of our respect, the members and officers of this House will wear crape upon the left arm for thirty days.

Resolved, *unanimously*, That the Speaker of this House transmit a copy of these resolutions to the family of the deceased.

On motion by Mr. Rockhill,
Seconded by Mr. Orth, it was

Resolved, *unanimously*, That the Senate reciprocate the resolutions of the House of Representatives in relation to the loss sustained by that body in the death of the Hon. Jared Darrow, late a member thereof from the county of Huntington.

Resolved, *unanimously*, That the Senate have heard, with deep sensibility, the announcement of his death, and sympathize in the afflicting dispensation of Providence which has deprived his family of a kind and affectionate protector, and the community in which he lived of one of its brightest ornaments.

Resolved, *unanimously*, That, as an evidence of respect for the virtues of the deceased, the members of the Senate will wear the usual badge of mourning for the space of thirty days.

Resolved, *unanimously*, That the President of this body be requested to cause an attested copy of these resolutions to be transmitted to the family of the deceased.

Resolved, *unanimously*, That the Secretary of the Senate notify the House of Representatives of the adoption of the foregoing resolutions.

Message from the House of Representatives, by Mr. Farquhar, their clerk.

MR. PRESIDENT:

The House of Representatives have adopted the following

ORDER OF ARRANGEMENTS,

To be observed in the funeral service of the Hon. Jared Darrow, deceased, late a member of the House of Representatives:

The members and officers of the Senate will meet in the Senate Chamber at 10 o'clock on to-morrow morning.

The members and officers of the House of Representatives will meet in the Hall of the House at the same time.

ORDER OF PROCESSION.

1. The Reverend Clergy;
2. Pall bearers, (corpse,) Pall bearers;
3. Mourners;
4. Governor;
5. Committee of arrangements;
6. The Speaker and Clerk of the House of Representatives;
7. Members and officers of the House;
8. The President and Secretary of the Senate;
9. Members and officers of the Senate;
10. Judges of the Supreme Court;
11. Officers of State;
12. Citizens generally.

The procession will form at the Capitol precisely at quarter past 10 o'clock, A. M., on to-morrow, and proceed to the Palmer House, and return from thence, with the corpse, to the Hall of the House of Representatives, where divine service will be performed by the Rev. Henry W. Beecher.

After the conclusion of divine service the procession will move, in like order, to the place of interment, or in case of removal, to the limits of the city.

The Pall bearers will consist of

Messrs. Helwig,	Messrs. Simonson,
Herod,	Stapp,
Hill,	Robinson of Carroll,
Huey,	Snook,
Manville,	Tingley,
Mooney,	Vandeveer.

On motion by Mr. Parks,

Resolved, When the Senate adjourns, it will adjourn until to-morrow 2 o'clock, P. M.

On motion by Mr. Wood,

The Senate adjourned.

THURSDAY, JANUARY 9, 1845,
2 o'clock, P. M.

The Senate assembled.

Leave having been obtained,

Mr. Herriman introduced,

No. 246. A bill to amend an act, entitled "An act to incorporate

the Buffalo and Mississippi Rail Road Company," approved February 6th, 1835;

Which was read, and

On motion by Mr. Herriman,

The rule of the Senate was suspended,

The bill read a second and third times, and passed.

Ordered, That the Secretary inform the House of Representatives thereof, and ask their concurrence.

Leave being granted,

Mr. Tannehill, from a select committee, submitted the following report:

MR. PRESIDENT:

The select committee to whom was referred the petition of sundry members of the church of the United Brethren, praying for the passage of an act to incorporate said church, and legalize the election and acts of the trustees thereof, have had the same under consideration, and have directed me to report the accompanying bill, and respectfully recommend its passage:

No. 247. A bill to incorporate the church of the United Brethren or Moravians, and to legalize the election and acts of the trustees thereof;

Which was read.

On motion by Mr. Tannehill,

The rule of the Senate was suspended,

The bill read a second and third times, and passed.

Ordered, That the Secretary inform the House of Representatives thereof, and ask their concurrence.

Leave having been obtained,

Mr. Edmonson submitted the following report:

MR. PRESIDENT:

The select committee, to whom was referred the communication of the Secretary of State, in relation to the surplus copies of the Revised Statutes of 1843, have had the same under consideration, and have directed me to report the accompanying bill, and recommend its passage:

No. 248. A bill for the distribution and sale of the surplus copies of the Revised Statutes of 1843;

Which was read.

On motion by Mr. Edmonson,

The rule of the Senate was suspended,

The bill read a second and third times, and passed.

Ordered, That the Secretary inform the House of Representatives thereof, and ask their concurrence.

Leave being granted,

Mr. Duzan introduced,

No. 249. A bill to legalize the assignment of certificates to certain school lands in this State;

Which was read, and,

On motion by Mr. Duzan,

The rule of the Senate was suspended,

The bill read a second and third times, and passed.

Ordered, That the Secretary inform the House of Representatives thereof, and ask their concurrence.

Mr. Berry, from a select committee, submitted the following report:

MR. PRESIDENT:

The select committee to which was referred the petition of the citizens of Springfield township in Franklin county, praying the passage of an act authorizing the election of a school commissioner, by the qualified voters of that township, have had that subject under consideration, and directed me to report the accompanying bill, and recommend its passage:

No. 250. A bill to authorize the election of a school commissioner in township 9, range 1 west, in Franklin county;

Which was read, and,

On motion by Mr. Berry,

The rule of the Senate was suspended,

The bill read a second and third times, and passed.

Ordered, That the Secretary inform the House of Representatives thereof, and ask their concurrence.

Mr. Moore, from the committee on corporations, submitted the following report:

MR. PRESIDENT:

The committee on corporations, to which was referred House bill No. 65, entitled "A bill to incorporate the Terre Haute Drawbridge Company," have had that subject under consideration, and directed me to report it back to the Senate with one amendment, and when concurred in, to recommand its passage:

Amend section 16, by striking out from the first to the word "when" in fourth line, and insert, "The company, in any action, to recover any debt or forfeiture, shall have the benefit of all laws of this State now or hereafter enacted for the recovery of debts by citizens of the State."

Ordered, That the amendment of the committee be not concurred in.

On motion by Mr. Akin,
The rule of the Senate was suspended,
The bill read a third time and passed.
Ordered, That the Secretary inform the House of Representatives thereof, and ask their concurrence.
Mr. Chapman of Daviess, from a select committee, submitted the following report:

MR. PRESIDENT:

The select committee to whom was referred the petition of sundry citizens of Daviess county, praying for the passage of an act to locate a State road therein, have had the same under consideration, and have directed me to report the accompanying bill, and respectfully recommend its passage:
No. 251. A bill authorizing the location of a State road in Daviess county;

Which was read.
On motion by Mr. Chapman of Daviess,
The rule of the Senate was suspended,
The bill read a second and third times, and passed.
Ordered, That the Secretary inform the House of Representatives thereof, and ask their concurrence.
Leave being granted,
Mr. Jones introduced,
No. 252. A bill defining how sites for water power shall be paid for, on the Wabash and Erie canal;
Which was read, and ordered to a second reading.
Leave being granted,
Mr. Ewing introduced,
No. 253. A bill in addition to the 5th article of the 40th chapter of the Revised Statutes;
Which was read, and,
On motion by Mr. Chapman of Laporte,
The rule of the Senate was suspended, the bill read a second time, and referred to the committee on the judiciary.
Mr. Buell of Dearborn, moved to reconsider the vote of the Senate, making the resolution of the Senate and the resolution of the House, on the subject of the election of a United States' Senator, the special order of the day for this day at 2 o'clock, in committee of the whole, so far as its consideration in committee of the whole was ordered;
Which was agreed to.
The following resolution, being the special order of the day for this time, was then taken up:
Resolved, That the Senate will, the House concurring therein, proceed on Tuesday next, at half past 2 o'clock, P. M., in the Hall

of the House of Representatives, to elect a United States' Senator, to fill the vacancy which will be occasioned by the expiration of the term of the Hon. Albert S. White; and that said election be conducted in all respects according to laws existing immediately previous to the passage of the Revised Statutes of 1843;
To which an amendment had been offered by Mr. Defrees, and which had also been made the special order for this time, in the following words:
"Strike out from resolving clause, and insert, 'That the Senate will, the House concurring therein, proceed on Tuesday next, at 10 o'clock, A. M., to the election of a United States Senator to fill the vacancy which will be occasioned by the expiration of the term of the Hon. Albert S. White, on the third of March next.'"
Mr. Defrees moved to amend the amendment by striking out from the resolving clause, and inserting the following words:
"That, inasmuch as at the present session of the General Assembly of the State of Indiana, a joint resolution was passed, reviving the act of 1831, in relation to the election of an United States' Senator, and, inasmuch as said act of 1831 is now in full force and effect, by which it is declared that "it shall be the duty of the General Assembly, at their session last preceding the term of service of such Senator, to elect by joint ballot of both Houses, on such day, and at such place as they may agree upon, a suitable person to serve as a Senator from this State, in the Congress of the United States, for the next succeeding term of six years;" and that it is the imperative duty of this General Assembly, in accordance with the injunction of said law, to elect an United States' Senator to fill the vacancy which will be occasioned by the expiration of the term of service of the Hon. Albert S. White, on the third day of March next, therefore, the Senate will, the House concurring therein, proceed on tomorrow, (Friday,) at 10 o'clok, A. M., to the election of some "suitable person" to serve as such Senator, to fill the vacancy which will be thus occasioned."
Mr. Lane moved to indefinitely postpone the further consideration of the resolution and amendments.
Mr. Herriman moved the previous question;
Which was seconded by the Senate.
Mr. Chapman of Laporte, moved a call of the Senate;
Which was ordered;
And the Secretary proceeded to call the roll, when it appeared that the Senators were all present.
On motion by Mr. Chapman,
The further call was suspended.
The question then recurred,
Shall the main question be now put?
Upon which,
The ayes and noes were desired by two Senators, and were as follows:

Those who voted in the affirmative are,

Messrs. Akin, Berry, Bowers, Bradbury, Buell of Dearborn, Carr, Chapman of Daviess, Chapman of Laporte, Coffin, Duzan, Edmonson, Herriman, Hutton, Jackson, Jones, Kennedy, Lane, Leviston, Logan, Major, Miller, Parks, Read, Rippey, Ritchey, Rockhill, Stanford, Tannehill and Wood—29.

Those who voted in the negative are,

Messrs. Alexander, Allison, Buell of Warren, Cotton, Davis, Defrees, Ewing, Farmer, Goodenow, Hamer, Henry, Hodge, Holloway, Moore, Morgan of Decatur, Morgan of Rush, Orth, Pennington, Reyburn and Todd—21.

So it was,

Ordered, That the main question be now put.

The main question being the motion of Mr. Lane to indefinitely postpone,

Was then put;

The ayes and noes being desired by two Senators,

Those who voted in the affirmative are,

Messrs. Akin, Berry, Buell of Dearborn, Carr, Chapman of Daviess, Chapman of Laporte, Duzan, Edmonson, Herriman, Hutton, Jackson, Jones, Kennedy, Lane, Leviston, Logan, Major, Miller, Parks, Read, Rippey, Ritchey, Tannehill and Wood—25.

Those who voted in the negative are,

Messrs. Alexander, Allison, Bowers, Bradbury, Buell of Warren, Coffin, Cotton, Davis, Defrees, Dole, Ewing, Farmer, Goodenow, Hamer, Henry, Hodge, Holloway, Moore, Morgan of Decatur, Morgan of Rush, Orth, Pennington, Reyburn, Stanford and Todd—25.

The Senate being equally divided,

The President gave the casting vote in the affirmative;

So it was

Ordered, That the further consideration of the resolution and amendment, be indefinitely postponed.

Mr. Rockhill moved to reconsider the vote just taken, indefinitely postponing the resolution and amendments;

But afterwards withdrew his motion.

The following message from the House, which had been made the speclal order of the day for this time,

Was then taken up:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the House has passed the following resolution:

Resolved, That the House of Representatives will, the Senate concurring therein, proceed on Thursday, the 26th instant, at half-past two o'clock P. M., to the election of a United States' Senator, to fill the vacancy occasioned by the expiration of the term of service of A. S. White, and that they will proceed from day to day in said election, until a United States' Senator is elected.

In which the concurrence of the Senate is respectfully requested.

Mr. Lane moved to indefinitely postpone the further consideration of the resolution;

Upon which

The ayes and noes being desired by two Senators,

Those who voted in the affirmative are,

Messrs. Akin, Berry, Buell of Dearborn, Carr, Chapman of Daviess, Chapman of Laporte, Duzan, Edmonson, Herriman, Hutton, Jackson, Jones, Kennedy, Lane, Leviston, Logan, Major, Miller, Parks, Read, Rippey, Ritchey, Rockhill, Tannehill and Wood—25.

Those who voted in the negative are,

Messrs. Alexander, Allison, Bowers, Bradbury, Buell of Warren, Coffin, Cotton, Davis, Defrees, Dole, Ewing, Farmer, Goodenow, Hamer, Henry, Hodge, Holloway, Moore, Morgan of Decatur, Morgan of Rush, Orth, Pennington, Reyburn, Stanford and Todd—25.

The Senate being equally divided,

The President gave the casting vote in the affirmative;

So the further consideration of the resolution was indefinitely postponed.

Mr. Ritchey moved to reconsider the vote just taken on the resolution of the House; and

The ayes and noes being desired by two Senators,

Those who voted in the affirmative are,

Messrs. Alexander, Allison, Bowers, Bradbury, Buell of Warren, Coffin, Cotton, Davis, Defrees, Dole, Ewing, Farmer, Goodenow, Hamer, Henry, Hodge, Holloway, Moore, Morgan of Decatur, Morgan of Rush, Orth, Pennington, Reyburn, Stanford, and Todd —25.

Those who voted in the negative are,

Messrs. Akin, Berry, Buell of Dearborn, Carr, Chapman of Da-

viess, Chapman of Laporte, Duzan, Edmonson, Herriman, Hutton, Jackson, Jones, Kennedy, Lane, Leviston, Logan, Major, Miller, Parks, Read, Rippey, Ritchey, Rockhill, Tannehill, and Wood—25.

The Senate being equally divided,

The President gave the casting vote in the negative.

So the vote was not reconsidered.

Mr. Chapman of Laporte, moved to reconsider the vote indefinitely postponing the further consideration of the resolution and amendments of the Senate on the subject of the election of a United States' Senator;

Upon which,

The ayes and noes being desired by two Senators,

Those who voted in the affirmative are,

Messrs. Alexander, Allison, Bowers, Bradbury, Buell of Warren, Coffin, Cotton, Davis, Defrees, Dole, Ewing, Farmer, Goodenow, Hamer, Henry, Hodge, Holloway, Moore, Morgan of Decatur, Morgan of Rush, Orth, Pennington, Reyburn, Stanford, and Todd —25.

Those who voted in the negative are,

Messrs. Akin, Berry, Buell of Dearborn, Carr, Chapman of Daviess, Chapman of Laporte, Duzan, Edmonson, Herriman, Hutton, Jackson, Jones, Kennedy, Lane, Leviston, Logan, Major, Miller, Parks, Read, Rippey, Ritchey, Rockhill, Tannehill, and Wood—25.

The Senate being equally divided,

The President gave the casting vote in the negative.

So the vote was not reconsidered.

Leave being obtained,

Mr. Pennington introduced,

No. 254. A bill to grant new trials in certain cases;

Which was read, and

On motion by Mr. Pennington,

The rule of the Senate was suspended,

The bill read a second time and referred to the committee on the judiciary.

Leave being obtained,

Mr. Allison introduced,

No. 255. A bill fixing the times of holding probate courts in the county of Green;

Which was read, and

On motion by Mr. Allison,

The rule of the Senate was suspended,

The bill read a second and third times and passed;

Ordered, That the Secretary inform the House of Representatives thereof, and ask their concurrence.

Message from the House of Representatives, by Mr. Farquhar, their clerk:

MR. PRESIDENT:

The House of Representatives have passed engrossed bills of the Senate, without amendment, of the following titles, to-wit:

No. 181. An act to incorporate the Lafayette bridge company;

No. 196. An act for the relief of the administrators of John Sims deceased, late of Morgan county, and for the benefit of the creditors of the said John Sims deceased;

No. 208. An act to extend the terms of the Montgomery probate court;

No. 210. An act to extend the time of payment to purchasers of school lands and borrowers of the school fund;

No. 222. An act to vacate part of the town of Numa in the county of Parke;

No. 226. An act authorizing the President and Council of the town of Lawrenceburgh to subscribe for and take part of the capital stock of the Lawrenceburgh and Napoleon Turnpike Company;

The House have also concurred in the amendments of the Senate to bill of the House, entitled,

No. 268. An act to locate a State road in the counties of Vermillion and Vigo.

Mr. Duzan, from the joint committee on enrolled bills, submitted the following report:

MR. PRESIDENT:

The committee on enrolled bills have compared the following enrolled with the engrossed bills of the Senate, and have found them correctly enrolled, to-wit:

No. 215. An act authorizing a company to construct a turnpike road from Cambridge city to Muncietown;

No. 74. An act providing compensation to supervisors of roads and highways;

No. 35. An act to change the name of Cornelia Minerva Nevins to Cornelia Minerva Warren;

No. 20. An act to authorize the board of commissioners of Marion county to settle with John Elder, late surplus revenue agent, and for other purposes;

No. 25. A joint resolution relative to postage;

No. 12. An act to repeal a certain act therein named;

No. 118. An act to incorporate the Elkhart Brass Band;

No. 87. An act supplemental to an act, entitled, "an act relative to the water power at Northport, in Noble county," approved January 21, 1843;

No. 232. An act to locate a State road in Jay and Blackford counties;
No. 205. An act for the relief of Priscilla Lazenby and others;
No. 187. An act to change the mode of doing county business in the county of Washington;
No. 143. An act for the relief of Millens Loomer;
No. 149. An act to change the mode of doing county business in the county of Parke.

Mr. Duzan, from the joint committee on enrolled bills, submitted the following report:

MR. PRESIDENT:

The committee on enrolled bills did, on the 7th instant, present to His Excellency the Governor, for his approbation and signature, the following enrolled bill of the Senate, to-wit:
No. 72. An act to attach additional territory to the county of Ohio, and for other purposes.

Message from His Excellency the Governor, by T. Brown Kinder, Esq., his Private Secretary:

MR. PRESIDENT:

I am instructed by His Excellency, the Governor, to inform the Senate that he has this day approved and signed the following acts:
No. 75. An act to provide for erecting a bridge across Laughery creek, in Ripley county;
No. 166. An act to incorporate the Lawrenceburgh seminary of learning in the county of Dearborn;
No. 63. An act to establish an additional place of holding elections in Lafayette township, Floyd county;
No. 27. An act to revive and amend an act entitled, "An act to incorporate the Richmond and Boston turnpike company," approved February 15, 1839;
No. 88. An act for the relief of the estate of Samuel Lewis, late of Allen county, deceased;
No. 154. An act to amend an act entitled, an act regulating the time of holding courts in the county of Tippecanoe, approved January 15, 1844;
No. 136. An act repealing a certain act therein named;
No. 131. An act to provide for the payment of the members and officers of the present General Assembly;
No. 122. An act to revive part of an act therein named, in the county of Ripley;
No. 117. An act to authorize the county commissioners of Floyd county to employ a physician to attend the poor of said county;

No. 110. An act providing for the location of a State road in the counties of Parke and Vermillion;
No. 116. An act to locate a State road in Randolph and Jay counties;
No. 134. An act to amend an act to establish a levee from the town of Vincennes, through the lower prairie, near the Wabash river, to the Grand coulee, approved February 2, 1833;
No. 112. An act to incorporate the proprietors of the Lawrenceburgh cemetery;
No. 72. An act to attach additional territory to the county of Ohio, and for other purposes;
All of which originated in the Senate.

The President laid before the Senate the following communication from the Auditor of State:

AUDITOR'S OFFICE,
January 9, 1845.

TO THE HON. JESSE D. BRIGHT,

President of the Senate:

SIR: I have the honor to submit the following as a reply to the resolutions of the Senate of the 8th instant, directing me to state the reason why it is necessary to pass a special act authorizing the auditing or issuing a warrant to the late Treasurer of State, for the sum of $5,610 58, being the amount of a receipt given by said Treasurer to John J. Graham, and charged to said Treasurer on the Auditor's books, &c.

The act of January 31, 1843 (chapter 113, Local Laws of 1843), entitled, "An act for the relief of John J. Graham," is one of those enactments, unfortunately too frequent upon our Statute book, by which a duty that ought to be discharged by one treasury officer is transferred to another, to whom it does not legitimately belong, and who cannot, of himself, fully perform it. Had that act directed the Auditor of State to make settlement with the said Graham for revenue of 1841, and give him a warrant for the amount of money which had been destroyed by fire, the omission on the books of this office, which has led to an apparent deficit against the late Treasurer of State, of $5,610 58, would never have existed, and no legislation in reference to the matter would now be necessary. But the Senate will perceive, by referring to that law, that the duty of making a deduction from the account of the treasurer of Morgan to the extent of his loss of State revenue in the burning of his house, was devolved upon the Treasurer of State, and that the existence of such an office as that of Auditor of State (to which the business properly belonged) is not recognized, except by way of recital in the preamble.

Under the general power conferred upon this office, "to examine and liquidate the claims of all persons against the State in cases where provision for the payment of the same shall have been made by law," it is probable that I would be justified in issuing now the warrant which should have issued when the Treasurer of Morgan made his settlement for revenue of 1841; but as the right might be considered doubtful, and the responsibility is far from being a desirable one, I would prefer that the Legislature should give me specific authority to make the late Treasurer of State the allowance which he claims, and to which, there can be no question, he is justly entitled.

I am, very respectfully,
Your obedient servant,
HORATIO J. HARRIS,
Auditor of State.

Leave being granted,
Mr. Chapman of Laporte introduced,
No. 256. A bill regulating the issuing of writs of supersedeas;
Which was read.
On motion by Mr. Chapman of Laporte,
The rule of the Senate was suspended,
The bill read a second and third times, and passed.
Ordered, That the Secretary inform the House of Representatives thereof, and ask their concurrence.
Mr. Major, from a select committee, submitted the following report:

MR. PRESIDENT:

The select committee to whom was referred the petition of sundry citizens of Clinton county, praying for a certain road, have had the same under consideration, and have instructed me to report the following bill and recommend its passage:

No. 257. An act to establish a State road from Thorntown, in Boone county, to Roseville, in Clinton county;
Which was read.
On motion by Mr. Major,
The rule of the Senate was suspended,
The bill read a second and third times, and passed.
Ordered, That the Secretary inform the House of Representatives thereof, and ask their concurrence.

Leave being granted,
Mr. Parks introduced,
No. 258. A bill for the relief of Parmenter M. Parks;
Which was read.
On motion by Mr. Parks,

The rule of the Senate was suspended,
The bill read a second and third times, and passed.
Ordered, That the Secretary inform the House of Representatives thereof, and ask their concurrence.
Mr. Chapman of Laporte moved to suspend the order of business to take from the table bill
No. 209. A bill in relation to the public debt;
Which was not agreed to.
Leave being granted,
Mr. Ritchey, chairman of the committee on finance, made the following report:

MR. PRESIDENT:

The committee on finance, to whom was referred a resolution of the Senate, directing "an inquiry into the provisions of the law relating to the compensation of the superintendents on the New Albany and Vincennes road, and the Central canal, and report whether the law is sufficient to justify the Auditor and Treasurer to audit and pay the same," have examined the subject, and finding the law defective, have directed me to report the following bill and recommend its passage:

No. 259. An act directing the superintendent of the New Albany and Vincennes road to report to the Auditor of State, and authorizing the auditing of reports heretofore made to the Treasurer;
Which was read.
On motion by Mr. Ritchey,
The rule of the Senate was suspended,
The bill read a second and third times, and passed.
Ordered, That the Secretary inform the House of Representatives thereof, and ask their concurrence.
Mr. Reyburn, from the committee on canals and internal improvements, submitted the following report:

MR. PRESIDENT:

The committee on canals and internal improvements, to whom was referred a resolution of the Senate in relation to letting of water power on the Wabash and Erie canal, have had the same under consideration, and have directed me to report the accompanying bill and recommend its passage:

No. 26. A bill to provide for the letting of water power on the Wabash and Erie canal in certain cases;
Which was read; and,
On motion by Mr. Orth,

The rule of the Senate was suspended, the bill read a second time; and,

On motion by Mr. Ewing,

The further consideration thereof was indefinitely postponed.

Mr. Read moved to suspend the order of business and take up the orders of the day;

Which was agreed to.

The Senate then proceeded to the consideration of the

ORDERS OF THE DAY.

No. 231. A bill to provide for the completion of the Wabash and Erie canal to Terre Haute.

Mr. Herriman submitted the following amendment to the bill:

Add after the word appointed in the thirteenth line after the second section:

"And shall also make, construct, and completely finish a navigable feeder to the said canal from the feeder dam at Northport, in Noble county, to the said canal at Fort Wayne, of the same size and dimensions of the canal west of the Tippecanoe river, within four years after the time herein appointed for the completion of this canal to Terre Haute."

Mr. Pennington moved to postpone the further consideration of the bill and amendment until the first Monday in December next.

Mr. Orth moved to lay the motion of Mr. Pennington upon the table;

On which,

The ayes and noes being desired by two Senators,

Those who voted in the affirmative are,

Messrs. Akin, Alexander, Allison, Buell of Dearborn, Buell of Warren, Chapman of Daviess, Chapman of Laporte, Coffin, Davis, Defrees, Dole, Farmer, Herriman, Holloway, Hutton, Moore, Orth, Rippey, Rockhill, and Todd—20.

Those who voted in the negative are,

Messrs. Berry, Bowers, Bradbury, Carr, Cotton, Duzan, Edmonson, Ewing, Goodenow, Hamer, Henry, Hodge, Jackson, Jones, Kennedy, Lane, Leviston, Logan, Major, Miller, Morgan of Decatur, Morgan of Rush, Parks, Pennington, Read, Reyburn, Ritchey, Stanford, Tannehill, and Wood—30.

So the motion to lay upon the table was disagreed to.

Mr. Lane moved that the Senate now adjourn;

Upon which,

The ayes and noes being desired by two Senators,

Those who voted in the affirmative are,

Messrs. Akin, Alexander, Allison, Buell of Dearborn, Buell of Warren, Chapman of Daviess, Chapman of Laporte, Coffin, Davis, Defrees, Dole, Edmonson, Farmer, Herriman, Hodge, Holloway, Hutton, Lane, Major, Moore, Orth, Rippey, Rockhill, Tannehill, and Todd—25.

Those who voted in the negative are,

Messrs. Berry, Bowers, Carr, Cotton, Duzan, Ewing, Goodenow, Hamer, Henry, Jackson, Jones, Kennedy, Leviston, Logan, Miller, Morgan of Decatur, Morgan of Rush, Parks, Pennington, Read, Ritchey, Stanford, and Wood—23.

So the Senate adjourned.

FRIDAY MORNING, JANUARY 10, 1845.

The Senate assembled.

On motion by Mr. Stanford,

The reading of the journal of the preceding day was dispensed with.

Mr. Davis, from the committee on the judiciary, submitted the following report:

MR. PRESIDENT:

The committee on the judiciary, to whom was referred bill of the Senate

No. 254. A bill to grant new trials in certain cases therein named;

Have had said bill under consideration, and have instructed me to report the same back to the Senate for its consideration.

On motion by Mr. Davis,

The rule of the Senate was suspended, the bill read a third time and passed.

Ordered, That the Secretary inform the House of Representatives thereof, and ask their concurrence.

Mr. Carr, from the committee on the judiciary, submitted the following report:

MR. PRESIDENT:

The committee on the judiciary, to whom was referred a resolution of the Senate in relation to the repeal of the tenth article of chapter 47 of the Revised Statutes of 1843, have had the same under consideration, and have directed me to report that it is inexpedient to legislate thereon, and ask to be discharged from the further consideration of said resolution.

Ordered, That the report of the committee be concurred in, and they discharged from the further consideration of the subject.

Mr. Carr, from the committee on the judiciary, submitted the following report:

MR. PRESIDENT:

The judiciary committee, to whom was referred three several petitions of citizens of Dearborn, Ripley, Rush, and Hancock counties, praying for a repeal of all laws now in force in this State which make a distinction between white citizens and persons of color; also, asking the passage of a joint resolution against the annexation of Texas to the United States, have had the same, according to order, under consideration, and have directed me to report that, in the opinion of the committee, it would be inexpedient to grant the prayer of the petitioners, and ask to be discharged from the further consideration of said petitions.

Ordered, That the report of the committee be concurred in, and they discharged from the further consideration of the subject.

Mr. Davis, from the committee on the judiciary, submitted the following report:

MR. PRESIDENT:

The committee on the judiciary, to whom was referred bill of the Senate

No. 76. A bill to authorize aliens to hold lands in this State by purchase or otherwise;

Have had the same under consideration, and have directed me to report said bill back to the Senate, and recommend the indefinite postponement thereof.

Ordered, That the report of the committee be concurred in, and the further consideration of the bill be indefinitely postponed.

Mr. Akin, from the committee on the judiciary, submitted the following report:

MR. PRESIDENT:

The judiciary committee, to whom was referred bill of the Senate

No. 253. Entitled, "A bill in addition to the fifth article of the fortieth chapter of the Revised Statutes,"

Have had the same under consideration, and have instructed me to report it back to the Senate, and recommend its indefinite postponement.

Ordered, That the report of the committee be concurred in, and the further consideration of the said bill be indefinitely postponed.

Mr. Defrees, from the committee on the judiciary, submitted the following report:

MR. PRESIDENT:

The judiciary committee to whom was referred bill of the Senate,

No. 163. Entitled, "A bill concerning certain conveyances therein named,"

Have had the same under consideration, and have directed me to report the same back without amendment, and recommend its passage.

Mr. Chapman of Laporte, moved to amend the bill, by striking therefrom the words "mortgaged land" wherever they occur;

Which was agreed to, and,

On motion by Mr. Defrees,

The rule of the Senate was suspended,

The bill read a third time, and passed.

Ordered, That the Secretary inform the House of Representatives thereof, and ask their concurrence.

Mr. Defrees, from the committee on the judiciary, submitted the following report:

MR. PRESIDENT:

The judiciary committee, to whom was referred bill of the House,

No. 117. Entitled, "A bill for the relief of the State of Indiana, and for other purposes,"

Have had it under consideration, and directed me to report it back with the following amendment, to-wit:

"Strike out from the enacting clause, and insert in lieu thereof the following; and when concurred in, they recommend its passage:

SEC. 1. That the Auditor of State be, and he is hereby authorized to rescind a certain contract made between the State of Indiana and William G. Pomeroy, in relation to the sale and purchase of lands mortgaged to the said State of Indiana, by Sidney Williams, in the year 1834, and forfeited to the State.

SEC. 2. The Auditor aforesaid is hereby authorized to issue a warrant upon the proper fund, for the purchase money paid by said Pomeroy on the said contract, and deliver the same to said Pomeroy on demand.

SEC. 3. This act to be in force from and after its passage.

Ordered, That the amendment of the committee be concurred in.

The bill was then read a third time, and passed.

On motion by Mr. Defrees,

The title of the bill was amended, so as to read, "A bill for the relief of William G. Pomeroy."

Ordered, That the Secretary inform the House of Representatives thereof, and ask their concurrence in the amendments of the Senate.

Mr. Carr, from the committee on the judiciary, submitted the following report:

MR. PRESIDENT:

The committee on the judiciary, to whom was referred bill of the Senate,

No. 162. Entitled, "A bill for the limitation of suits on bonds and promissory notes,"

Have, according to order, had the same under consideration, and have directed me to report it back to the Senate, and recommend its indefinite postponement.

Ordered, That the report of the committee be concurred in,

And the further consideration of the bill be indefinitely postponed.

Mr. Chapman of Laporte, chairman of the committee on the judiciary, submitted the following report:

MR. PRESIDENT:

The committee on the judiciary, to whom was referred bills of the Senate, No's. 78, 73, 17, and 221, have had the same under consideration, and have directed me to report the same back, and recommend that they be laid upon the table.

Ordered, That the report of the committee be concurred in,

And the said bills lie upon the table.

Mr. Chapman of Laporte, chairman of the committee on the judiciary, submitted the following report:

MR. PRESIDENT:

The committee on the judiciary, to whom was referred bill of the House of Representatives,

No. 62. A bill defining the term of office of the several county treasurers of Indiana,

Have had the same under consideration, and have directed me to report the same back, and recommend its indefinite postponement.

Ordered, That the report of the committee be concurred in,

And the further consideration of the bill be indefinitely postponed.

Mr. Chapman of Laporte, chairman of the committee on the judiciary, submitted the following report:

MR. PRESIDENT:

The committee on the judiciary, to whom was referred so much of the Annual Message of his Excellency, the Governor, as relates to giving to justices of the peace exclusive jurisdiction in the punishment of minor offences, have had the same under consideration, and have directed me to report that, owing to the shortness of the session and the press of other business, they have deemed it inexpedient to attempt legislation upon this subject; and ask to be discharged from the further consideration thereof.

Ordered, That the report of the committee be concurred in,

And they be discharged from the further consideration of the subject.

Mr. Chapman of Laporte, chairman of the committee on the judiciary, submitted the following report:

MR. PRESIDENT:

The committee on the judiciary, to whom was referred so much of his Excellency the Governor's Message as relates to the Supreme Court, and the punishment of offences, have had the same under consideration, and have directed me to report that they have no further recommendations to submit on that subject.

Ordered, That the committee be discharged from the further consideration of the subject.

Mr. Chapman of Laporte, chairman of the committee on the judiciary, submitted the following report:

MR. PRESIDENT:

The committee on the judiciary, to whom was referred so much of the Annual Message of his Excellency the Governor, as relates to the late revision of the Statutes, and the injury resulting from hasty modifications and repeal thereof, have kept the same constantly in mind while discharging their duties as a committee, and have only recommended a different course when necessity seemed to require it,

and having closed all the business now before them, they have directed me to report the same back to the Senate. They recommend a more close adherence to its suggestions during the remainder of the session, and ask to be discharged from the further consideration of the subject.

Ordered, That the committee be discharged accordingly.

Mr. Stanford, chairman of the committee on education, submitted the following report:

MR. PRESIDENT:

The committee on education, to whom was referred two petitions and an accompanying document, in relation to so amending the common school law that a portion of the school funds may be appropriated to the support of German schools, have duly considered the subject, and have directed me to make the following report:

While the committee deem it inexpedient to grant the prayer of the petitioners, they consider it due to so respectable a number of our fellow-citizens to give a few of the reasons which lead them to that conclusion. But previous to doing so, we think it proper to make a few preliminary remarks, designed, if possible, to remove any prejudice that may exist between American born and her adopted citizens. First, then, we would remark, that this Government owes its independence, in no small degree, to *foreigners*. For, at the formation of the Government of the United States, the colonies were little else than communities of *foreigners* from the different quarters of the globe. Hence, in the formation of our government, both sympathy and interest prompted the fathers of our political institutions to make the terms of admittance to citizenship the most easy.

At that time America was looked to by all nations, as it ever should be, as an asylum for the poor and oppressed; and hither that class of our fellow men came, to take shelter under the auspices of our American Eagle. Americans, then, could meet the emigrant from a foreign land, and greet him as a brother, and lead him to his log cabin and treat him as an equal—a feeling which never should have subsided; for, although our Government has become powerful in population and wealth, it has become so, to a great extent, by *foreigners*, whose sons many of us are. This consideration should forever preclude from every true American heart that narrow and selfish principle *falsely called Americanism*, by which it is attempted to deprive *foreigners*, for an unreasonable length of time, of the privileges of citizens. We believe that the foreigner who abjures his allegiance to all foreign Kings, Potentates, or Princes, and makes proof of his fidelity to our Government, is as much an American as though he had been born in the United States, and is equally entitled to all the American privileges.

The committee will now proceed to give a few reasons why they deem it inexpedient to grant the request of the petitioners, to-wit: In the establishment of the Government of the United States, which was to depend for its perpetuity upon the intelligence of the great mass of the people, all the people of every language united. It was then deemed important that a language should be established, in which the public records should be kept. In doing so it was agreed, with great unanimity, that the English should be the language used for that purpose; then it may, as a matter of course, with propriety, be called the *American language*. In this language all the records of the General Government are kept, as also the records of all the States. In this language is published all our laws, and in this language is recorded the proceedings of all the courts, from the supreme court of the United States down to that of the township justices. In this language is written the history of America. Hence it is of the greatest importance that each and every citizen of the United States should, as soon as possible, become acquainted with the language of the country, the only language in which can be found a perfect history of American institutions, without a knowledge of which none are well prepared to discharge the duties or enjoy the privileges of American citizens. Then it becomes vitally important to the Government and to each individual, that this language should be understood and spoken by all, both in a civil and military point of view, that the people of the same country should speak the same language, especially in times of *war*.

We deeply sympathize with the Germans and all other foreigners who come to reside among us, on account of the inconvenience which they must necessarily experience for want of a knowledge of the English language, which induces them, in many instances, when they come here, to form their own associations, thereby retaining their old customs, habits, and prejudices; this is a natural consequence. But, in the opinion of your committee, it is not the course best calculated to promote their own interest and happiness, or the welfare of the Government; for it is in the vicinity of such associations or communities that we find the spirit of green-eyed jealousy springing up, and propelling the parties on to riot and bloodshed. The strength of this Government, and the perpetuity of her institutions, depending much upon the *union* of her citizens, we are clearly of opinion that foreigners, upon arriving in America, instead of seeking to build up communities of their own, and thereby retaining their distinct nationalities of character, should disseminate among natural born Americans, for the purpose, as soon as possible, of gaining a knowledge of their language, institutions, and laws, by which alone the people of this country are united and become one people.

With a view to strengthen the cords of our Union, by the use of our common language, the General Government and most of the State Governments have united in providing means for

the support of common schools in almost every neighborhood, throughout the length and breadth of our territory, which, like all others of our institutions, are as free and open to the adopted as to the native-born American; and it is believed that if our adopted citizens would avail themselves of the benefits of our free institutions, and send their children to school with our children, where all meet upon the floor of equality, they would grow up as the children of one family. Then, indeed, should we hear no more of those odious distinctions, and still more odious riots, which take place occasionally between native born and adopted Americans.

Your committee cannot believe that the General Government, after establishing the English language as the language of the country, and providing that all the public business thereof should be done in that language, could have intended that her donations for common school purposes should be applied to teaching any other. But if it were even sound policy to do so under other circumstances, the common school fund of our State is so limited that it would destroy its usefulness to divide it. And should we attempt to appropriate to *German* schools, we could not nor should not stop there; our other adopted citizens, the *Irish*, *French*, &c., would all have equal claims. Therefore, the committee are of opinion that the prayer of the petitioners ought not to be granted, and ask to be discharged from the further consideration of the subject.

Very respectfully submitted.

THOS. R. STANFORD.

Ordered, That the report of the committee be concurred in, and they discharged from the further consideration of the subject.

Mr. Akin, chairman of the committee on federal relations, submitted the following report:

MR. PRESIDENT:

The committee on federal relations, to whom was referred the message of the Governor, transmitting a certain "Protest and Declaration of the State of Rhode Island and Providence Plantations, against any interference by Congress, or by the House of Representatives of the Congress of the United States, with the internal government and the Constitution of said State," have had the same under consideration, and beg leave respectfully to report, that the purpose and objects of said declaration and protest do not appear to solicit or require any legislative action on the part of this State. The committee, however, in common with their fellow-citizens generally, throughout the State, have witnessed, with regret, the recent political difficulties of the State of Rhode Island. Believing that the people of that State, as well as every other, should enjoy the blessings of a free and equal representation, they could not but feel a deep and friendly sympathy with them in their efforts to obtain a

constitution which would afford them similar rights and privileges to those enjoyed by their countrymen in the other States of the Union. This committee is not disposed to express any opinion as to the propriety of the measures in general adopted by either party in that State, occasioned by the unhappy difference of sentiment amongst the people relative to their charter or constitution; but they sincerely entertain, and cannot but express, their belief, that the present authorities have acted with unnecessary and cruel severity, in punishing those members of the opposite party who have fallen into their hands. Their only crime, if it can be considered a crime, appears to have been a resistance to the measures of a government which they believed to have no legal existence, and their adherence to the constituted authorities of one formed under a constitution, sanctioned and approved by a large majority of the people. This committee believe that the recent events in Rhode Island have furnished the first and only instance in the history of this country, of individuals being immured in solitary and loathsome dungeons for alleged political offences of this description, and they cannot but regard their continuance in imprisonment as a stigma on the American name, and upon the free and liberal institutions of our country. They therefore beg leave to report the following joint resolution and recommend its passage:

No. 261. A joint resolution in relation to Thomas W. Dorr;

Which was read.

Mr. Pennington moved to reject the joint resolution;

Upon which,

The ayes and noes being desired by two Senators,

Those who voted in the affirmative are,

Messrs. Alexander, Allison, Bowers, Bradbury, Buell of Warren, Coffin, Cotton, Davis, Defrees, Dole, Ewing, Farmer, Goodenow, Hamer, Henry, Hodge, Holloway, Moore, Morgan of Decatur, Morgan of Rush, Orth, Pennington, Reyburn, and Todd—24.

Those who voted in the negative are,

Messrs. Akin, Berry, Carr, Chapman of Daviess, Chapman of Laporte, Duzan, Edmonson, Herriman, Hutton, Jackson, Jones, Kennedy, Lane, Leviston, Logan, Major, Miller, Parks, Read, Rippey, Ritchey, Rockhill, Tannehill, and Wood—24.

The Senate being equally divided,

The President gave the casting vote in the negative.

So the joint resolution was not rejected.

The joint resolution was then ordered to a second reading.

Mr. Buell of Warren, in behalf of the minority of the committee, submitted the following report:

MR. PRESIDENT:

The undersigned, a minority of the committee on federal relations, to whom was referred the protest and declaration of the State of Rhode Island and Providence Plantations, dissent from the report of the majority of said committee, and desire to present a separate report, embodying in a narrow compass, the views they entertain upon the subject matter under consideration.

The undersigned concur with the majority in their expressions of regret at the recent difficulties which have so painfully agitated the people of Rhode Island. No member of the confederation has maintained a higher character for peaceful submission to the laws, and a zealous attachment to American constitutional liberty than has that State. She bore a conspicuous part in that contest which secured the independence of our country; and from the hour of her admission into the sisterhood of American States, under the auspicies of the Federal Constitution, her history has been distinguished by the exhibition of an enlightened patriotism, and a becoming respect for the rights of the several States. The undersigned, therefore, deeply regret that the State should have been made the theatre of a violent and armed resistance to the law, and that the authorities of the State were compelled, by the highest considerations of duty, to resort to effectual means to suppress it.

The protest seems to invite the expression of opinion of the part of the Legislative authorities of this and the other States of the Union upon questions of momentous interest. These questions are whether or not the people of that State and of each State, are not the exclusive arbiters and judges of their own peculiar domestic republican institutions, and whether any State or the General Government have a right to interfere with such institutions, or invade the rights which have been guarantied to each State by the Constitution of the United States. The report of the majority and joint resolution, which they recommend for adoption, conveys no opinion upon these questions, and are therefore not an appropriate response to the protest of the people of Rhode Island.

It has never been pretended that the State of Rhode Island has not a republican form of government. On the fourth day of May, in the year 1776, her General Assembly, in the same heroic spirit which actuated the fathers of the revolution, formally revoked their allegiance to George the third, King of Great Britain, and became an independent State. She, at the same time, appointed delegates to represent her in the Congress of the United Colonies, and instructed them to adopt such measures as would secure the civil and religious rights and liberties of the people. The delegates from Rhode Island united with those of the other Colonies in making that memorable declaration on the fourth of July, in the same year, which asserted "that these United Colonies are, and of right ought to be free and independent States." Her blood and treasure were consecrated to maintain that declaration; and the ashes of her gallant sons, who fell in the contest of the revolution, have mingled with the soil of every battle field in the Union.

The State of Rhode Island afterwards appointed delegates to accede to and sign, in her behalf, the articles of confederation and perpetual union, which were adopted as a frame work of government for the original Colonies. In those articles it is expressly provided "that each State should retain its sovereignity, freedom, and independence, and every power, jurisdiction and right which was not by said confederation expressly delegated to the United States in Congress assembled." Her membership in that Union did not, in any way, abridge or impair the right of internal government and police which she possessed and enjoyed.

The confederation did not long endure. Its inefficiency became glaring to the whole country; it became necessary to establish a more efficient Government, and the constitution of the United States was adopted. The State of Rhode Island became a member of the Union under the federal constitution. Her right of control over her domestic institutions was not in the slightest degree affected under the new form of government to which she acceded. The United States solemnly guarantied to her and to the several States, a republican form of government, and protection against foreign invasion and domestic violence.

The undersigned have referred to these familiar historical facts as maintaining the position they have assumed, that the government of Rhode Island being republican, she is the only judge of her own peculiar constitutional and police regulations. No other State can rightfully interfere with them, and they are among the most precious reserved rights of the several States. Should they be violated by her citizens or persons within her territorial limits, she is invested with ample power to define the offence and inflict the punishment. No other State that cherishes a just self-respect, or a regard for the rights of her sister States, will attempt to interfere on a subject of such vital importance to the sovereignty of a member of the Union.

It is suggested in the report of the majority of the committee that Thomas W. Dorr is confined for political offences, and the joint resolution asserts that he ought to be liberated and discharged. A charge was preferred against him by the proper State authorities, he was regularly tried, convicted, and is now undergoing the sentence of the law. The undersigned are unable to conceive upon what ground this General Assembly can, with propriety, interfere in the finding and judgment of the court, or distinguish between the case of Thomas W. Dorr and other individuals who have been convicted of offences.

The States have different regulations with regard to their internal government, their police and the right of suffrage. In Virginia, and most of the Southern States, a property qualification is required, on the part of those who are entitled to vote. In New Hampshire a religious test is exacted from incumbents of office. In the South, the black population is entirely excluded from the exercise of the

right, while under the amended constitution of New York and in some other States, they are, with some restrictions, permitted to vote for Representatives to the State and National Legislature. The features of the State government essentially differ in other leading particulars, which it is not necessary to enumerate. These rights of the States must be preserved inviolate. Each State, so far as such rights are concerned, is a separate and independent sovereignty; and the federal constitution, which is the bond of their union and the charter of our national liberties, expressly guarantees to the several States the peaceful and undisturbed possession of them. Should these rights be infringed or tampered with, our Union must inevitably perish. One set of men, under a pretence of natural rights, might seek to interfere with the domestic institutions of the Southern States, where a large and growing element of their population, constituting a clear majority of the inhabitants, are not only debarred from a participation in the powers of government, but held in an abject and servile condition. The institutions of another State may be assailed as restricting the exercise of the right of suffrage within too narrow limits. Another peculiarity of the institutions of some States may be assailed as placing the political rights of the black and white population on a footing, savouring too much of equality between the races. There can evidently be no security to the rights of the States, if this power is conceded.

All of which is respectfully submitted,

JAS. H. BUELL,
HUGH HAMER.

Which,

On motion by Mr. Buell of Warren,

Was ordered to lie upon the table.

Mr. Jones, chairman of the committee on canals and internal improvements, submitted the following report:

MR. PRESIDENT:

The committee on canals and internal improvements, to whom was referred bill of the House

No. 100. A bill to amend an act entitled "an act authorizing the commissioners of the Wabash and Erie canal, east and west of Tippecanoe, to sell lands in tracts of forty acres or quarter quarter sections;"

Have had the same under consideration, and have directed me to report that, in the opinion of the commtitee, it is inexpedient to legislate on that subject at the present session of the General Assembly, they, therefore, recommend the indefinite postponement of the bill:

On motion by Mr. Chapman of Laporte,

Ordered, That the report and bill lie upon the table.

Mr. Jones, chairman of the committtee on canals and internal improvements, submitted the following report:

MR. PRESIDENT:

The committee on canals and internal improvements, to whom was referred bill of the House

No. 103. A bill relative to the assignment of canal land office certificates;

Have had the same under consideration, and have directed me to report it back and recommend its indefinite postponement.

Ordered, That the report of the committee be concurred in, and the further consideration of the subject be indefinitely postponed.

Mr. Jones, chairman of the committee on canals and internal improvements, submitted the following report:

MR. PRESIDENT:

The committee on canals and internal improvements, to which was referred that part of the Governor's annual message relating to selling out the public works, have had the same under advisement, and in consideration of the subject matter being before this body in another shape, they have directed me to report it inexpedient further to legislate on that subject during the present session of the General Assembly, and ask to be discharged from the further consideration thereof.

Ordered, That the committee be discharged accordingly.

Mr. Jones, chairman of the committee on canals and internal improvements, submitted the following report:

MR. PRESIDENT:

The committee on canals and internal improvements, to whom was referred that part of the Governor's annual message relating to the Wabash and Erie canal, have had the same under consideration, and have directed me to report it as inexpedient to legislate further on that subject during the present session of the General Assembly, and ask to be discharged from its further consideration.

Ordered, That the committee be discharged accordingly.

Mr. Lane, chairman of the committee on claims, submitted the following report:

MR. PRESIDENT:

The committee on claims, to whom was referred the memorial of Geo. H. Dunn, late Treasurer of State, and the accompanying documents, have had the same under consideration, and beg leave to submit the following report:

Your committee would respectfully state to the Senate, that the importance of thoroughly investigating this case precluded the possibility of their making a report at an earlier period of the session; and although they have had it under consideration some time, nothing but a desire to submit the matter to the action of the Senate before the hurry of business which usually attends the close of the session, impels them to report, even at this time.

In his memorial, Mr. Dunn uses this language: "when I came to close my accounts as late Treasurer of State, and hand over to my successor the funds on hand, amounting to near half a million of dollars, I most unexpectedly found them to differ, in the amount of $10,812, an occurrence I am still at a loss, satisfactorily, to account for, although I have caused every investigation to be made which my opportunities permitted." By this, it would seem, that Mr. Dunn *first* discovered that he was in arrears to that amount when he came to settle with his successor; yet he did not communicate the discovery to Mr. Mayhew, as we are led to believe, from the fact that the Treasurer made no reference thereto in his annual report to the present General Assembly. That no censure may attach to Mr. Mayhew for failing to make the same discovery, it is only necessary to state that Mr. Dunn accounted to him for all his official acts, as Treasurer, as far as they appeared on the books of the Treasurer and Auditor. In a communication to the Senate from the Treasurer, (marked C,) in reply to a resolution thereof, he refers to an accompanying exhibit, (marked A,) in the following words: "It will be seen by this statement that there has not appeared to be any deficit upon the books of the Treasury against the late Treasurer at any time, but that he placed in my hands a large surplus. The reason of this was, (Mr. Dunn informed me,) on account of a large amount of unofficial receipts which he had given, and which he desired me to redeem, giving my official receipts for the same, and charge the amount to him, against the surplus deposited or paid over for that purpose, and thus bring the amount regularly charged against him on the Treasury books. This was done to a large amount during the summer—still leaving, at the time of my annual report, an unexpended balance to be applied to such outstanding receipts, of about eighty thousand dollars." In the absence of all evidence as to the amount and number of these unofficial receipts, Mr. Mayhew assumed the amount deposited by Mr. Dunn, at the time of their settlement, to be sufficient to redeem them; nor was he apprized of the contrary until after the commencement of the present session of the Legislature, (as he states in the communication above referred to,) when Mr. Dunn made a further deposite of $12,798 14, to meet his delinquency. Why Mr. Dunn so long withheld a discovery of the deficit from his successor, when he himself was aware of it at the time of their settlement in February last, your committee are unable to say!

The exhibit of the Treasurer shows a balance of $80,227 32 remaining in his hands to redeem the unofficial receipts—which sum is insufficient for that purpose by $11,001 56, as is shown by a list of the outstanding receipts, which Mr. Dunn handed to the Treasurer since the first or second week of this session. Previous to that time, Mr. Mayhew had redeemed a considerable amount of the outstanding receipts, and would have continued to redeem until the funds left with him for that purpose, gave out; in which event he would have discoverd the deficit, and the matter would, no doubt, have been laid before the Legislature.

"During the operation, one member of the committee, (I think Mr. Mooney of Jackson county,) came to me with a few bills in his hand, part of a bundle he had just cast under the engine, and which were not mutilated. Although surprised at the circumstance, I then felt so much confidence in the care which had been taken in the assorting and placing the scrip, that I could not conceive how any error should have occurred, and I instantly settled down in the conviction that it must have been some small lot or division of a bundle which the committee, after counting, had omitted to punch or had failed to punch entirely through, the packages being, generally, so large that they had to be separated into parcels for that purpose—this I suggested to Mr. Mooney as being the probability."

This statement of Mr. Dunn, your committee deemed worthy of some consideration, but they could not arrive at the conclusion that the loss referred to in his memorial, could have occurred by any of the means therein contemplated; nor can they conceive that any force or plausibility is added to Mr. Dunn's conjectures by the communications of Messrs. Bowles and Mooney of the committee of ways and means of the last Legislature, which accompany the memorial. The weighty responsibility assumed by Mr. Dunn upon entering upon the discharge of the duties of the office of Treasurer, should have inspired him with sufficient vigilance to have obviated the difficulty which he thinks might have occurred in the preparations to remove the various packages of the notes to the paper mill for destruction.

It is not the wish of your committee to cast any censure upon Mr. Dunn, or question his strict integrity, but a due accountability to their constituents, whose interests require the utmost exactitude in the administration of the several departments of our State government, admonishes them to view the facts, without reference to the private character of the individual, and to consider him in the light of a mere officer, bound to render a full and faithful account of his stewardship, and abide the consequences of his derelictions of his official duties.

While your committee would have been most happy to have endorsed the commonly received opinion as to the high business capacity and qualifications of the late Treasurer of State, they feel bound to report that the practice he adopted in giving to public debtors informal receipts for moneys paid into the Treasury, was destructive

of that strict accountability to which the public interest required him to be held, inasmuch as it prevented that certainty in ascertaining the true amount of money in the Treasury, which every one must see is so desirable and necessary. In this connection, your committee beg leave to make the following extract from a late communication of the Auditor of State, (marked B,) from which the dangerous conseqences of giving informal receipts will clearly be seen:

"The Senate will readily understand that it is wholly out of the power of this office, from an inspection of the books kept here, to determine the amount of money *actually* in the Treasury at any specified day. Even if no misapplication of the funds of the State had been made, there are always many warrants which are not presented at the Treasury as soon as issued; and for this reason *alone* the amount of money on hand must always be greater than the balance shown by the books of the Auditor's office. The amount of warrants, so outstanding, can be ascertained only by reference to the Treasurer's books. But in addition to this, the late Treasurer of State adopted a practice which precluded the possibility of ascertaining, from the registers of either office, the amount of cash on hand, though the necessary allowance *had* been made for outstanding warrants. It will be seen, by reference to a communication recently submitted to the Senate by the present Treasurer, that a very large amount of money was paid into the Treasury during the incumbency of his predecessor, and informal receipts given therefor. As these receipts were not brought on the books of either office at the time the late Treasurer's term expired, there was, instead of being a deficit in the cash on hand, a large surplus, as compared with the amount which the books of the two offices showed, should have been in the Treasury at that date. The deficiency in the cash on hand, to which the attention of the Senate has been called by the late Treasurer of State, could not have been known to this office from its books *alone* at any time; and could not have been ascertained by his successor until all the informal receipts had been taken up and regular ones given in their place. It appears from the memorial of the late Treasurer, that the amount of those informal receipts had proven to be greater than he anticipated; and hence the deficiency which he states exists in the amount of the cash he had on hand when his term of office expired. Whether that deficit has been correctly stated could have been ascertained *only* by counting the money in the Treasury and comparing the sum with the amount which the books of this office showed to be on hand, adding thereto the amount of outstanding warrants, and the sum of all the informal receipts which had been given. In the absence of such informal receipts, this office could have furnished the *data* from which an accurate conclusion could have been drawn; but under the circumstances, one of the main objects for which this office was established by the constitution, was entirely defeated."

This is language which needs no explanation, and your committee deem it unnecessary to make any commentary.

Your committee cannot imagine that the error will be discovered when the State scrip is supposed to be redeemed; for they feel conscious that a larger amount than Mr. Dunn's deficit will inevitably be lost, by the various ways and means of destruction, incidental to the circulation of such paper. In the burning of houses, sinking of steamboats, and in various other ways, vast amounts of paper money are frequently lost; and may not such be the fate of much of our outstanding scrip? If your committee are not mistaken, appropriations have been made by our own legislature, for the restoration of scrip, which has been proved to have been destroyed by fire. To allow Mr. Dunn to withdraw his recent deposite, in default of a large amount of outstanding State scrip being returned, would be to give him that benefit and profit, which would otherwise enure to the State.

It is painful to your committee, at all times, to see public officers placed in a precarious and embarrassing situation by any casualty; and while they would be willing to render Mr. Dunn every assistance in their power to ferret out the cause of his loss, and facilitate a satisfactory adjustment of the matter, they must declare, that they cannot consent to grant his prayer, by subjecting the State Treasury to the heavy loss which would necessarily ensue, if justice is to be done to the holders of his unofficial receipts, for they adopt this view of the case: that, if Mr. Dunn is allowed the privilege asked for before the committee, though not in his memorial, to withdraw the sum by him placed in the Treasury, for the avowed purpose of meeting his acknowledged delinquency; then the State or the holders of his unofficial receipts, must be subjected to great inconvenience and embarrassment.

Your committee ask: should this legislature allow the withdrawal of that deposite, would they not impliedly bind the State to indemnify the holders of Mr. Dunn's receipts against loss?

Your committee cannot urge too strongly upon the Senate, the necessity of considering maturely the expediency of granting relief to applicants, upon mere conjectures and *ex parte* statements, as to the manner of some losses they may have sustained.

Your committee are indisposed to swell this report with many reasons in addition to those which they have stated; but there is one other which, to some extent, influences them in declining to direct a compliance with Mr. Dunn's request, that he should be authorized to withdraw from the Treasury, the amount deposited by him as a fund for the redemption of his unofficial receipts, or in other words, to meet his defalcation. It will be seen, by reference to the last annual report of the Auditor of State, that in investigating the accounts of various trust funds, which, it will be recollected, were until recently kept by the Treasurers of State, without any check from the Auditor's office, errors to the amount of more than

$1,500 have already been discovered against the late Treasurer of State; and it is probable that more extended examinations would augment that amount. It would therefore seem to your committee, that there has been some very great mismanagement about the administration of his office, which they have felt bound to notice in the investigation of this case.

However hard and embarrassing Mr. Dunn's situation may appear, your committee, after giving the whole facts, what they deem a calm, dispassionate and thorough investigation, feel constrained to report, that it would be inexpedient to legislate upon the subject, believing that a due regard to the interests of the Treasury forbids them recommending the relief sought for. Your committee, therefore, ask to be discharged from the further consideration of the subject; and respectfully request that this report and accompanying documents be published.

The Senate are aware that the chairman of the committee on claims withdrew this report, after it had been submitted to the Senate some days since, for the purpose of considering a communication which the President, at that moment, laid before the Senate.

Your committee have only to state, that in their opinion, Mr. Dunn is justly entitled to credit for the amount therein mentioned; and have directed a bill authorizing the Auditor of State to issue his warrant to Mr. Dunn for the same, to be reported to the Senate, with the request that it be passed. But your committee are induced by that discovery, to believe the more firmly, that some great negligence or carelessness on the part of the late Treasurer, has been evidenced thereby; and they do not feel at liberty to change any of the positions taken by them in this report.

Messrs. Coffin, Bowers and Stanford dissent from the foregoing, except so far as it recommends the passage of the bill for the relief of Mr. Dunn.

No. 262. A bill for the relief of George H. Dunn;

Which was read.

On motion by Mr. Defrees,

The rule of the Senate was suspended, and the bill read a second time.

Mr. Defrees submitted the following amendment to the bill:

"Add as an additional section the following words:

"The said Dunn shall have a reasonable time to establish the fact, if it exist, to the satisfaction of the Auditor and Treasurer of State, that he is entitled to a further credit in consequence of any accident or mistake which may have occurred in the account of said Dunn, as the late Treasurer of State; and that the final settlement of said account be kept open until the expiration of the time aforesaid, and that said Dunn be permitted and authorized to perpetuate testimony in relation to said accident, or mistake, before any person authorized

by law to take and certify the same, by giving reasonable notice of the time and place of taking the same, to the Auditor of State; and such depositions, when so taken, may be read in evidence in any proceeding or application hereafter to be made respecting said accident or mistake;

Which was agreed to.

On motion by Mr. Defrees,

The rule of the Senate was suspended,

The bill read a third time, and passed.

Ordered, That the Secretary inform the House of Representatives thereof, and ask their concurrence.

Mr. Ritchey presented the following communication from the Treasurer of State:

TREASURER'S OFFICE,
January 10, 1845.

HON. J. RITCHEY, *of the Senate:*

My former statement mentioned that there had been issued (that is, entirely prepared and charged to Treasurer,) seventy thousand dollars, - - - - - - - - - - $70,000
There has been actually paid out, - - - - 41,250

Leaving on hand, - - - - - - - - - 28,750

I have since learned from the late Auditor, and by finding the packages, that there had been struck, of quarter per cent. scrip, including the above, two hundred thousand dollars, of which there remains unprepared, one hundred and thirty thousand dollars, $130,000

Which, added to above on hand, makes - - - $158,750

Of this amount, however, the Auditor had signed $30,000, so as to make, with the $70,000, the sum of $100,000. If this $30,000 should be used, it would be necessary by law or joint resolution, to authorize the Treasurer to sign and complete the issue of the $30,000 so signed by *the late Auditor*. Then there would remain of the bills struck and unprepared, one hundred thousand dollars.

On hand,	$28,750
Part prepared,	30,000
Unprepared,	100,000
	$158,750

Yours, respectfully,
R. MAYHEW.

Which,

On motion by Mr. Akin,

Was referred to the committee on finance.

Mr. Read, chairman of the committee on the State Prison, submitted the following report:

MR. PRESIDENT:

The committee on the State Prison, to whom was referred so much of the Annual Message of his Excellency the Governor, as relates to the State Prison, have duly considered the subject, and directed me to report:

That all reports, communications, &c., upon the subject of the State Prison, have been addressed to the House of Representatives, and acted on by that body; the committee, therefore, having no documents on the subject before them, ask to be discharged from the further consideration thereof.

Ordered, That the committee be discharged accordingly.

Mr. Pennington, chairman of the committee on Public Buildings, submitted the following report:

MR. PRESIDENT:

The committee on public buildings, to whom was referred the account of S. P. Daniels, for extra services as State Librarian, have had the same under consideration, and have directed me to report, that he be allowed the sum of fifty dollars, in the act making specific appropriations, by the General Assembly, at its present session.

Ordered, That the report of the committee be concurred in.

Mr. Berry, from the committee on corporations, submitted the following report:

MR. PRESIDENT:

The committee on corporations, to whom was referred House bill No. 128, entitled, "A bill to amend an act entitled, an act to incorporate the Warren county canal company," approved January 15, 1844, have had that subject under consideration, and have directed me to report it back to the Senate and recommend its indefinite postponement.

Ordered, That the report of the committee be not concurred in.

Mr. Berry moved to strike out the words "two thirds" from the bill;

Which was not agreed to.

On motion by Mr. Buell of Warren,

The rule of the Senate was suspended,

The bill read a third time and passed.

Ordered, That the Secretary inform the House of Representatives thereof.

Leave being granted,

Mr. Defrees, from the committee on the judiciary, submitted the following report:

MR. PRESIDENT:

The judiciary committee, to whom was referred bill of the Senate No. 167, entitled, "A bill in relation to the expenses of removal on change of venue in civil cases," have had it under consideration, and directed me to report it back, without amendment, and recommend its passage.

On motion by Mr. Chapman of Laporte,

The rule of the Senate was suspended,

The bill read a third time and passed.

Ordered, That the Secretary inform the House of Representatives thereof, and ask their concurrence.

Mr. Berry, from the committee on corporations, submitted the following report:

MR. PRESIDENT:

The committee on corporations, to whom was referred bill of the Senate No. 206, entitled, "A bill to amend an act incorporating the town of Aurora," have had that subject under consideration, and have directed me to report it back to the Senate and recommend its passage.

On motion by Mr. Orth,

The rule of the Senate was suspended,

The bill read a third time and passed.

Ordered, That the Secretary inform the House of Representatives thereof, and ask their concurrence.

Mr. Allison, from a select committee, submitted the following report:

MR. PRESIDENT:

The select committee to which was referred bill of the Senate No. 176, entitled, "A bill to authorize the school trustees of congressional townships to act as examiners of common school teachers," according to order have had the same under consideration, and have directed me to report the same back for the action of the Senate.

Mr. Chapman of Laporte moved to amend the bill by striking out the fourth section;

Which was agreed to.

Mr. Buell of Dearborn moved to amend the bill by excluding from its operation the county of Ohio;

Which was agreed to.

Mr. Orth moved to amend the bill by excluding from its operation the county of Tippecanoe;

Which was agreed to.

Mr. Morgan of Rush moved to amend the bill by excluding from its operation the county of Rush;

Which was agreed to.

Mr. Ritchey moved to amend the bill by excluding from its operation the county of Johnson;

Which was agreed to.

Mr. Lane moved to lay the bill upon the table;

Which was agreed to.

Mr. Parks, from a select committee, submitted the following report:

MR. PRESIDENT:

The select committee to whom was referred bill of the Senate, No. 229. Entitled, a bill to fix the time of holding courts in the tenth judicial circuit,

Have had the same under consideration, and have directed me to report it back to the Senate with the following amendment, and when so amended recommend its passage, viz.:

Strike out from the enacting clause and insert the following in lieu thereof:

"That the circuit courts in the tenth judicial circuit of said State shall hereafter be holden as follows, to-wit: In the county of Morgan on the first Mondays of March and September in each year: In the county of Brown on the Mondays succeeding the terms of the circuit courts in the county of Morgan: In the county of Monroe on the Mondays succeeding the terms of the circuit courts in the county of Brown: In the county of Owen on the Mondays succeeding the terms of the circuit courts in the county of Monroe: In the county of Greene on the Mondays succeeding the terms of the circuit court in the county of Owen: In the county of Daviess on the Mondays succeeding the terms of the circuit courts in the county of Greene: In the county of Martin on the Mondays succeeding the terms of the circuit courts in the county of Daviess: In the county of Lawrence on the Mondays succeeding the terms of the circuit courts in the county of Martin.

"Sec. 2. The circuit courts of the counties of Brown and Martin shall hold their sessions one week each, if the business thereof shall so long require it; and each of the other counties of said tenth judicial circuit shall hold their sessions two weeks, if the business thereof shall so long require it.

"Sec. 3. All writs and notices that may have issued or been served before the taking effect of this act, in relation to any motions now pending, or to be pending, in any of said circuit courts, are hereby made returnable to the first day of the next term of said courts, as fixed by this act; and all suits, recognizances, motions, rules, and all other proceedings, which, at the time of the taking effect of this act, shall be pending in any of said courts, shall be acted upon therein in the same manner as if the act had been in force at the time they were commenced, taken, or instituted.

"Sec. 4. This act to take effect and be in force from and after its passage, and the Secretary of State is required to forward a copy hereof to the clerks of the several circuit courts of said counties immediately."

Ordered, That the amendment of the committee be concurred in.

On motion by Mr. Parks,

The rule of the Senate was suspended,

The bill read a third time, and passed.

Ordered, That the Secretary inform the House of Representatives thereof and ask their concurrence.

Mr. Farmer introduced,

No. 263. A bill for the relief of George W. Woodall;

Which was read.

On motion by Mr. Chapman of Laporte,

The rule of the Senate was suspended, the bill read a second time, and referred to the committee on the judiciary.

Mr. Kennedy introduced,

No. 264. A bill for the relief of Judy Whisman;

Which was read.

On motion by Mr. Kennedy,

The rule of the Senate was suspended,

The bill read a second and third times, and passed.

Ordered, That the Secretary inform the House of Representatives thereof, and ask their concurrence.

Mr. Morgan of Rush, introduced,

No. 265. A bill in relation to county surveyors' fees;

Which was read.

On motion by Mr. Chapman of Laporte,

The rule of the Senate was suspended,

The bill read a second time,

And referred to the committee on the judiciary.

Mr. Allison introduced,

No. 266. A bill in relation to congressional township No. 8, north of range 5 west, in Greene county;

Which was read.

On motion by Mr. Buell of Dearborn,

The rule of the Senate was suspended,

The bill read a second time, and

Referred to the committee on the judiciary, with instructions to make its provisions general.

Mr. Todd, from a select committee, submitted the following report:

MR. PRESIDENT:

The committee to whom was referred a petition of citizens of a certain school district in the county of Marion, have had the same under consideration, and have directed me to report the following bill, and recommend its passage:

No. 267. A bill in relation to school district No. 1, in congressional township No. 15;

Which was read, and

On motion by Mr. Todd,

The rule of the Senate was suspended,

And the bill read a second time.

Mr. Logan moved to refer the bill to the committee on education;

Which was not agreed to.

Mr. Edmonson moved to amend the bill so that the publication provided for in said bill be made at the expense of the said county of Marion;

Which was agreed to, and

On motion by Mr. Todd,

The rule of the Senate was suspended,

The bill read a third time and passed.

Ordered, That the Secretary inform the House of Representatives of the passage thereof, and ask their concurrence.

Mr. Chapman of Laporte, introduced,

No. 268. A bill to amend an act entitled, "an act to incorporate the trustees of the Laporte University," approved January 20, 1842;

Which was read.

On motion by Mr. Chapman of Laporte.

The rule of the Senate was suspended,

The bill read a second and third times and passed.

Ordered, That the Secretary inform the House of Representatives thereof, and ask their concurrence.

Leave being granted,

Mr. Miller presented the petition of sundry citizens of the counties of Crawford, Harrison and Dubois, in relation to a bridge across big Blue river; which,

On motion by Mr. Miller,

Was ordered to lie upon the table.

The Senate then proceeded to the consideration of the orders of the day.

No. 137. A bill for the relief of Henry Pittinger;

Was read a third time and passed.

No. 175. A bill in relation to the county Seminary of Laporte county;

Was read a third time and passed.

Ordered, That the Secretary inform the House of Representatives of the passage of said bills, and ask their concurrence.

No. 236. A joint resolution relative to the assumption of State debts;

The ayes and noes being desired on the passage of the joint resolution, by two Senators,

Those who voted in the affirmative are,

Messrs. Akin, Berry, Buell of Dearborn, Buell of Warren, Carr, Chapman of Daviess, Chapman of Laporte, Davis, Dole, Duzan, Edmonson, Henry, Herriman, Hutton, Jackson, Jones, Kennedy, Lane, Leviston, Logan, Major, Miller, Parks, Read, Reyburn, Rippey, Ritchey, Rockhill, Tannehill, and Wood—30.

Those who voted in the negative are,

Messrs. Alexander, Bradbury, Coffin, Cotton, Defrees, Ewing, Farmer, Hamer, Holloway, Morgan of Decatur, Morgan of Rush, Pennington, Stanford, and Todd—14.

So the joint resolution passed.

Ordered, That the Secretary inform the House of Representatives thereof, and ask their concurrence.

House bill,

No. 156. A bill for the relief of Milton Stapp;

Was read a third time.

Mr. Chapman of Laporte, moved to refer the bill to a select committee, with the following instructions:

Amend the bill by adding an additional section, in the following words:

That William Hendricks, John Woodburn, Victor and John King, and George W. Leonard, shall severally have the further time of five years to pay their, and each of their four several promissory notes for the sum of thirty-five hundred dollars each, given to the State of Indiana on a settlement with Michael G. Bright as State Agent: *Provided*, The Agent of said State shall be satisfied with the present securities on said notes.

SEC. 2. That the said Hendricks, Woodburn, Kings, and Leonard, and each of them, shall have the privilege of paying their said notes in the bonds of the State of Indiana at any time within said five years.

Mr. Herriman moved to lay the bill upon the table;

The ayes and noes being desired by two Senators,

Those who voted in the affirmative are,

Messrs. Allison, Berry, Buell of Dearborn, Carr, Chapman of Laporte, Duzan, Edmonson, Farmer, Herriman, Hodge, Hutton, Jackson, Kennedy, Leviston, Logan, Major, Miller, Read, Rippey, Ritchey, Rockhill, Stanford and Wood—23.

Those who voted in the negative are,

Messrs. Alexander, Bowers, Bradbury, Buell of Warren, Chapman of Daviess, Coffin, Cotton, Davis, Defrees, Dole, Ewing, Goodenow, Hamer, Henry, Holloway, Moore, Morgan of Decatur, Morgan of Rush, Orth, Pennington, Reyburn, Tennehill, and Todd—23.

The Senate being equally divided,

The President gave the casting vote in the negative.

So the motion to lay upon the table was not agreed to.

Mr. Davis moved to lay the motion to refer, with the instructions, on the table;

The ayes and noes being desired by two Senators,

Those who voted in the affirmative are,

Messrs. Alexander, Bowers, Bradbury, Buell of Dearborn, Buell of Warren, Coffin, Cotton, Davis, Defrees, Dole, Ewing, Farmer, Goodenow, Hamer, Henry, Holloway, Lane, Moore, Morgan of Decatur, Morgan of Rush, Orth, Parks, Reyburn, Rockhill, Stanford, Tannehill and Todd—27.

Those who voted in the negative are,

Messrs. Allison, Berry, Carr, Chapman of Daviess, Chapman of Laporte, Duzan, Edmonson, Herriman, Hodge, Hutton, Jackson, Jones, Kennedy, Leviston, Logan, Major, Miller, Pennington, Read, Rippey, Ritchey and Wood—22.

So the motion to refer with the instructions, was laid upon the table.

Mr. Davis moved the previous question,

Which was seconded by the Senate;

And on the question,

"Shall the main question be now put?"

The ayes and noes being desired by two Senators,

Those who voted in the affirmative are,

Messrs. Alexander, Bowers, Bradbury, Buell of Warren, Chapman of Daviess, Coffin, Cotton, Davis, Defrees, Dole, Ewing, Farmer, Goodenow, Hamer, Henry, Holloway, Kennedy, Lane,

Moore, Morgan of Decatur, Morgan of Rush, Orth, Parks, Pennington, Reyburn, Tannehill and Todd—27.

Those who voted in the negative are,

Messrs. Allison, Berry, Buell of Dearborn, Carr, Chapman of Laporte, Duzan, Edmonson, Herriman, Hutton, Hodge, Jackson, Leviston, Logan, Major, Miller, Read, Rippey, Ritchey, Rockhill, Stanford and Wood—21.

So it was,

Ordered, That the main question be now put.

The main question being,

"Shall the bill pass?"

The ayes and noes were desired by two Senators,

Those who voted in the affirmative are,

Messrs. Alexander, Bowers, Bradbury, Buell of Warren, Chapman of Daviess, Coffin, Cotton, Davis, Defrees, Dole, Ewing, Goodenow, Hamer, Henry, Holloway, Lane, Moore, Morgan of Rush, Orth, Pennington, Reyburn, Tannehill, and Todd—23.

Those who voted in the negative are,

Messrs. Allison, Berry, Buell of Dearborn, Carr, Chapman of Laporte, Duzan, Edmonson, Farmer, Herriman, Hodge, Hutton, Jackson, Kennedy, Leviston, Logan, Major, Miller, Morgan of Decatur, Read, Rippey, Ritchey, Rockhill, Stanford, and Wood—24.

So the bill did not pass.

House bill,

No. 50. A bill for the relief of John Sankey, of Vigo county, Indiana;

Was read a third time.

And on the question,

"Shall the bill pass?"

The ayes and noes being desired by two Senators,

Those who voted in the affirmative are,

Messrs. Akin, Berry, Bradbury, Carr, Coffin, Davis, Dole, Duzan, Herriman, Kennedy, Major, Moore, Orth, Pennington, Read, Ritchey, Rockhill, Tannehill, Todd, and Wood—19.

Those who voted in the negative are,

Messrs. Alexander, Buell of Dearborn, Buell of Warren, Chapman of Daviess, Defrees, Edmonson, Ewing, Goodenow, Hamer, Henry, Hodge, Holloway, Hutton, Jackson, Lane, Logan, Miller, Morgan

of Decatur, Morgan of Rush, Parks, Reyburn, Rippey, and Stanford —23.

So the bill did not pass.

Mr. Allison moved to reconsider the vote on the passage of bill of the House,

No. 156. A bill for the relief of Milton Stapp.

The ayes and noes being desired by two Senators,

Those who voted in the affirmative are,

Messrs. Alexander, Allison, Bowers, Bradbury, Buell of Warren, Coffin, Cotton, Davis, Defrees, Dole, Ewing, Goodenow, Hamer, Henry, Holloway, Kennedy, Lane, Moore, Morgan of Decatur, Morgan of Rush, Orth, Pennington, Reyburn, Tannehill, and Todd—25.

Those who voted in the negative are,

Messrs. Akin, Berry, Buell of Dearborn, Carr, Chapman of Daviess, Chapman of Laporte, Duzan, Edmonson, Farmer, Herriman, Hodge, Hutton, Jackson, Logan, Major, Miller, Read, Rippey, Ritchey, Rockhill, and Stanford—21.

So the vote was reconsidered.

Mr. Davis moved the previous question;

Which was seconded by the Senate.

And on the question,

"Shall the main question be now put?"

The ayes and noes were desired by two Senators,

And were as follows:

Those who voted in the affirmative are,

Messrs. Akin, Alexander, Allison, Berry, Bowers, Bradbury, Buell of Warren, Chapman of Daviess, Coffin, Cotton, Davis, Defrees, Dole, Ewing, Farmer, Goodenow, Hamer, Henry, Holloway, Kennedy, Lane, Leviston, Moore, Morgan of Decatur, Morgan of Rush, Orth, Parks, Pennington, Reyburn, Tannehill, and Todd—31.

Those who voted in the negative are,

Messrs. Buell of Dearborn, Carr, Chapman of Laporte, Duzan, Edmonson, Herriman, Hodge, Hutton, Jackson, Logan, Major, Miller, Read, Rippey, Ritchey, Rockhill, and Stanford—17.

So it was ordered that the main question be now put.

Mr. Chapman of Laporte, moved a call of the Senate;

Which was ordered;

The Secretary proceeded to call the roll, and reported the Senators all present.

On motion by Mr. Chapman of Laporte,

The further call of the Senate was suspended.

The main question being,

"Shall the bill pass?"

The ayes and noes were desired by two Senators,

And were as follows:

Those who voted in the affirmative are,

Messrs. Alexander, Allison, Bowers, Bradbury, Buell of Warren, Coffin, Cotton, Davis, Defrees, Dole, Ewing, Goodenow, Hamer, Henry, Holloway, Jones, Lane, Moore, Morgan of Decatur, Morgan of Rush, Orth, Pennington, Reyburn, Tannehill, and Todd—25.

Those who voted in the negative are,

Messrs. Berry, Buell of Dearborn, Carr, Chapman of Daviess, Chapman of Laporte, Duzan, Edmonson, Herriman, Hodge, Holloway, Hutton, Jackson, Leviston, Logan, Major, Miller, Read, Rippey, Ritchey, and Stanford—20.

So the bill passed.

Mr. Ritchey moved to amend the title of the bill by adding, after the word "Stapp," the following words:

"By authorizing him to speculate at the public expense."

Mr. Orth moved to lay the proposed amendment upon the table;

Upon which,

The ayes and noes being desired by two Senators,

Those who voted in the affirmative are,

Messrs. Akin, Alexander, Allison, Bowers, Buell of Dearborn, Buell of Warren, Chapman of Daviess, Coffin, Cotton, Davis, Defrees, Dole, Ewing, Farmer, Goodenow, Hamer, Henry, Hodge, Holloway, Jackson, Jones, Kennedy, Lane, Moore, Morgan of Decatur, Morgan of Rush, Orth, Parks, Pennington, Reyburn, Tannehill, and Todd —32.

Those who voted in the negative are,

Messrs. Berry, Bradbury, Carr, Chapman of Laporte, Duzan, Edmonson, Herriman, Hutton, Leviston, Logan, Major, Miller, Rippey, Ritchey, and Rockhill—15.

So the amendment was laid upon the table.

Ordered, That the Secretary inform the House of Representatives of the passage of said bill.

No. 238. A joint resolution in relation to the titles of purchasers from the State of seminary lands in Gibson county;

Was read a third time.

Mr. Chapman of Laporte moved to refer the joint resolution to a select committee, with instructions to strike out the word "Monroe" wherever it occurs in said joint resolution, and insert in lieu thereof the word "Marion;"

Which was not agreed to.

The question then being,

"Shall the joint resolution pass?"

The ayes and noes were desired by two Senators,

And were as follows:

Those who voted in the affirmative are,

Messrs. Akin, Alexander, Allison, Berry, Bowers, Bradbury, Buell of Dearborn, Chapman of Daviess, Coffin, Cotton, Dole, Edmonson, Ewing, Farmer, Goodenow, Hamer, Henry, Hodge, Holloway, Hutton, Jackson, Jones, Kennedy, Lane, Leviston, Major, Miller, Moore, Morgan of Decatur, Morgan of Rush, Orth, Parks, Pennington, Read, Reyburn, Rippey, Rockhill, and Stanford—38.

Those who voted in the negative are,

Messrs. Chapman of Laporte, Herriman, and Ritchey—3.

So the joint resolution passed.

Ordered, That the Secretary inform the House of Representatives thereof, and ask their concurrence.

On motion by Mr. Miller,

The Senate adjourned.

2 *o'clock*, *P. M.*

The Senate assembled.

The Senate resumed the consideration of the orders of the day.

No. 231. A bill to provide for the completion of the Wabash and Erie canal, to Terre Haute.

Mr. Pennington withdrew his motion to indefinitely postpone the consideration of said bill, and,

Moved to lay the bill upon the table;

Which was agreed to.

Mr. Ewing moved to take from the table the report of the committee on finance, upon

No. 113. A bill in relation to the kind of funds receivable for tolls and water rents on the Wabash and Erie canal,

Together with the pending amendment thereto.

Mr. Edmonson moved a call of the Senate;

Which was ordered.

The Secretary proceeded to call the roll, and reported the absentees, who were sent for.

Mr. Lane moved to suspend the further call;

Which was not agreed to.

The absentees having made their appearance,

On motion by Mr. Akin,

The further call of the Senate was suspended.

The question then recurred upon the motion to take up the said report and bill.

The ayes and noes being desired by two Senators,

Those who voted in the affirmative are,

Messrs. Berry, Bradbury, Carr, Duzan, Ewing, Goodenow, Hamer, Henry, Hodge, Holloway, Leviston, Morgan of Decatur, Morgan of Rush, Read, Rippey, Ritchey, Rockhill, and Stanford—18.

Those who voted in the negative are,

Messrs. Akin, Alexander, Allison, Buell of Dearborn, Buell of Warren, Chapman of Daviess, Chapman of Laporte, Coffin, Cotton, Davis, Defrees, Dole, Edmonson, Farmer, Herriman, Hutton, Jones, Kennedy, Lane, Logan, Major, Miller, Moore, Orth, Parks, Reyburn, Tannehill, Todd and Wood—29.

So the motion to take up the report and bill was not agreed to.

Mr. Edmonson gave notice that he would, on to-morrow, introduce a resolution providing for rescinding the 54th standing rule of the Senate, on the subject of the order of business.

House bill,

No. 43. A bill declaring Black creek, in the county of Greene, a navigable stream;

Was read a second time.

On motion by Mr. Orth,

The rule of the Senate was suspended,

The bill read a third time and passed.

House bill,

No. 53. A bill for the relief of Joseph Proctor and others;

Was read a second time.

On motion by Mr. Buell of Dearborn,

The rule of the Senate was suspended,

The bill read a third time, and passed.

House bill,

No. 16. A bill to amend the several acts now in force in relation to the discharge of the duties of school commissioners, in the counties of Perry, Fulton and Marshall;

Was read a second time.

On motion by Mr. Cotton,

The rule of the Senate was suspended,

The bill read a third time, and passed.
House bill,
No. 54. A bill to authorize Daniel C. Shannon to erect a mill dam across the Mississinewa river;
Was read a second time.
On motion by Mr. Rockhill,
The rule of the Senate was suspended,
The bill read a third time, and passed.
House bill,
No. 41. An act limiting the fees of sheriff for extra services, in the county of Marshall;
Was read a second time.
On motion by Mr. Defrees,
The rule of the Senate was suspended,
The bill read a third time, and passed.
House bill,
No. 64. A bill to authorize the sale of school section in town. 4, range 10, in Jefferson county,
Was read a second time.
On motion by Mr. Goodenow,
The rule of the Senate was suspended,
The bill read a third time, and passed.
House bill,
No. 261. A bill to vacate a part of a State road in the county of Wayne;
Was read a second time.
On motion by Mr. Bradbury,
The rule of the Senate was suspended,
The bill read a third time, and passed.
House bill,
No. 94. A bill to authorize Abraham J. Hostetler to sell and convey certain real estate;
Was read a second time.
On motion by Mr. Hamer,
The rule of the Senate was suspended,
The bill read a third time, and passed.
House bill,
No. 76. A bill to change the name of Susannah Poe, to Susannah Cundale;
Was read a second time.
On motion by Mr. Chapman of Laporte,
The rule of the Senate was suspended,
The bill read a third time, and passed.
House bill,
No. 85. A bill to repeal an act, entitled "an act to lay out and open a State road in the counties of Dearborn and Ripley," approved February 1st, 1844;
Was read a second time.

On motion by Mr. Bowers,
The rule of the Senate was suspended,
The bill read a third time, and passed.
House bill,
No. 89. A bill to extend the time of the sessions of the board of commissioners of Bartholomew county, and for other purposes;
Was read a second time.
On motion by Mr. Tannehill,
The rule of the Senate was suspended,
The bill read a third time, and passed.
House bill,
No. 90. A bill providing for the location of a State road in the counties of Marshall and Kosciusko;
Was read a second time.
On motion by Mr. Defrees,
The rule of the Senate was suspended,
The bill read a third time, and passed.
House bill,
No. 107. An act to more properly define the boundaries of Dearborn county;
Was read a second time.
On motion by Mr. Buell of Dearborn,
The rule of the Senate was suspended,
The bill read a third time, and passed.
House bill,
No. 113. A bill to authorize an additional place of holding elections in Redding township, Jackson county;
Was read a second time.
On motion by Mr. Carr,
The rule of the Senate was suspended,
The bill read a third time, and passed.
House bill,
No. 122. A bill to locate a State road therein named, and for other purposes;
Was read a second time.
On motion by Mr. Reyburn,
The rule of the Senate was suspended,
The bill read a third time, and passed.
Joint resolution of the House,
No. 197. A joint resolution with regard to the exhibition of the pupils of the Kentucky institution for the education of the blind;
Was read a second time.
On motion by Mr. Chapman of Laporte,
The rule of the Senate was suspended,
The joint resolution read a third time, and passed.
Joint resolution of the House,
No. 57. A joint resolution on the subject of the refuse public lands in Indiana;

Was read a second time.

On motion by Mr. Chapman of Laporte,

The rule of the Senate was suspended,

The joint resolution read a third time, and,

On the question,

Shall the joint resolution pass?

The ayes and noes were desired by two Senators, and were as follows:

Those who voted in the affirmative are,

Messrs. Akin, Allison, Berry, Bradbury, Buell of Dearborn, Carr, Chapman of Daviess, Chapman of Laporte, Cotton, Duzan, Edmonson, Farmer, Goodenow, Henry, Herriman, Hodge, Hutton, Jackson, Jones, Kennedy, Leviston, Major, Miller, Parks, Read, Rippey, Rockhill, and Todd—27.

Those who voted in the negative are,

Messrs. Alexander, Bowers, Buell of Warren, Davis, Defrees, Dole, Ewing, Hamer, Holloway, Moore, Morgan of Decatur, Morgan of Rush, Pennington, Ritchey, Stanford, Tannehill, and Wood—16.

So the joint resolution passed.

Ordered, That the Secretary inform the House of Representatives of the passage of the said bills and joint resolutions.

House bill,

No. 205. A bill to amend an act to reduce the tolls on the New Albany and Vincennes road, and for other purposes;

Was read a second time, and,

On motion by Mr. Davis,

Was ordered to lie upon the table.

No. 234. A bill for the relief of James Hay;

Was read a second time.

Mr. Morgan of Rush moved to indefinitely postpone the further consideration of the bill.

Upon which,

The ayes and noes being desired by two Senators,

Those who voted in the affirmative are,

Messrs. Alexander, Allison, Bowers, Bradbury, Buell of Dearborn, Buell of Warren, Carr, Duzan, Ewing, Farmer, Goodenow, Hamer, Hodge, Holloway, Hutton, Kennedy, Lane, Leviston, Logan, Major, Miller, Morgan of Decatur, Morgan of Rush, Orth, Pennington, and Stanford—26.

Those who voted in the negative are,

Messrs. Akin, Berry, Chapman of Daviess, Chapman of Laporte, Davis, Dole, Edmonson, Henry, Herriman, Jackson, Moore, Parks, Read, Rippey, Ritchey, Tannehill, and Wood—17.

So the further consideration of the bill was indefinitely postponed.

No. 198. An act to revive an act incorporating the Greenwood Education Society;

Was read a second time.

On motion by Mr. Todd,

The rule of the Senate was suspended and the bill read a third time, and,

On motion by Mr. Ritchey,

Ordered, That the bill lie upon the table.

House bill,

No. 91. A bill to amend an act entitled, "An act relative to licensing groceries in the counties of Carroll and Cass," approved January 31, 1842;

Was read a second time.

Mr. Read moved to amend the bill by adding the following words:

"*Provided*, That a plurality of votes shall not decide this question, but a majority of the whole number of votes polled at said election shall be required to decide for or against granting license under the provisions of this act, or the act to which this is an amendment;"

Which was agreed to.

On motion by Mr. Davis,

The rule of the Senate was suspended,

The bill read a second and third times, and passed.

Ordered, That the Secretary inform the House of Representatives thereof and ask their concurrence in the amendment of the Senate.

No. 245. A bill for the relief of Thomas Murphy;

Was read a second time.

On motion by Mr. Holloway,

The rule of the Senate was suspended,

The bill read a third time, and passed.

Ordered, That the Secretary inform the House of Representatives thereof, and ask their concurrence.

No. 252. A bill defining how sites for water power shall be paid for on the Wabash and Erie canal;

Was read a second time, and,

On motion by Mr. Chapman of Laporte,

Was referred to the committee on the judiciary.

Mr. Lane moved to reconsider the vote of the Senate on bill

No. 50. A bill for the relief of John Sankey, of Vigo county, Indiana;

Which was agreed to,

And the bill passed.

Ordered, That the Secretary inform the House of Representatives thereof.

Message from His Excellency the Governor, by T. Brown Kinder, Esq., his Private Secretary:

MR. PRESIDENT:

I am directed by His Excellency, the Governor, to bear to the Senate the following communication, with a request that you will lay the same before that body:

EXECUTIVE DEPARTMENT,
January 10, 1845.

Gentlemen of the Senate:

I hereby nominate to you Isaac Blackford, William W. Wick, and James Morrison, for appointment as Judges of the Supreme Court of Indiana for the next constitutional term as such, commencing on the twenty-ninth day of January, 1845, and respectfully ask your advice and consent to the same.

JAS. WHITCOMB.

On motion by Mr. Defrees,

A call of the Senate was ordered.

The Secretary proceeded to call the roll of the Senate, and reported the Senators all present.

On motion by Mr. Defrees,

The Senate then proceeded, with closed doors, to the consideration of the foregoing message of His Excellency the Governor.

Mr. Pennington submitted the following resolution:

Resolved, That the Senate do advise and consent to the appointment of Isaac Blackford as one of the Judges of the Supreme Court of Indiana, agreeably to the nomination.

The ayes and noes being desired by two Senators,

Those who voted in the affirmative are,

Messrs. Akin, Alexander, Allison, Berry, Bowers, Bradbury, Buell of Dearborn, Buell of Warren, Carr, Chapman of Daviess, Chapman of Laporte, Coffin, Cotton, Davis, Defrees, Dole, Duzan, Edmonson, Ewing, Farmer, Goodenow, Hamer, Henry, Herriman, Hodge, Holloway, Hutton, Jackson, Jones, Kennedy, Lane, Leviston, Logan, Major, Miller, Moore, Morgan of Decatur, Morgan of Rush, Orth, Parks, Pennington, Read, Reyburn, Rippey, Ritchey, Rockhill, Stanford, Tannehill, Todd, and Wood—50.

So the Senate unanimously advised and consented to the appointment of Isaac Blackford as one of the Judges of the Supreme Court of Indiana.

Ordered, That the Secretary inform His Excellency, the Governor, thereof.

Mr. Ritchey submitted the following resolution:

Resolved, That the Senate do advise and consent to the appointment of William W. Wick as one of the Judges of the Supreme Court of Indiana, agreeably to the nomination.

The ayes and noes being desired by two Senators,

Those who voted in the affirmative are,

Messrs. Akin, Berry, Carr, Chapman of Daviess, Duzan, Edmonson, Herriman, Hutton, Jackson, Jones, Kennedy, Lane, Leviston, Logan, Major, Miller, Parks, Read, Rippey, Ritchey, Tannehill, and Wood—22.

Those who voted in the negative are,

Messrs. Alexander, Allison, Bowers, Bradbury, Buell of Dearborn, Buell of Warren, Chapman of Laporte, Coffin, Cotton, Davis, Defrees, Dole, Ewing, Farmer, Goodenow, Hamer, Henry, Hodge, Holloway, Moore, Morgan of Decatur, Morgan of Rush, Orth, Pennington, Reyburn, Rockhill, Stanford, and Todd—28.

So the Senate did not advise and consent to the appointment of William W. Wick as one of the Judges of the Supreme Court of Indiana.

Ordered, That the Secretary inform His Excellency, the Governor, thereof.

Mr. Parks submitted the following resolution:

Resolved, That the Senate do advise and consent to the appointment of James Morrison as one of the Judges of the Supreme Court of the State of Indiana, agreeably to the nomination.

The ayes and noes being desired by two Senators,

Those who voted in the affirmative are,

Messrs. Akin, Berry, Carr, Chapman of Daviess, Duzan, Edmonson, Herriman, Hutton, Jackson, Jones, Kennedy, Lane, Leviston, Logan, Major, Miller, Parks, Read, Rippey, Ritchey, Tannehill, and Wood—22.

Those who voted in the negative are,

Messrs. Alexander, Allison, Bowers, Bradbury, Buell of Dearborn, Buell of Warren, Chapman of Laporte, Coffin, Cotton, Davis, Defrees, Dole, Ewing, Farmer, Goodenow, Hamer, Henry, Hodge, Holloway, Moore, Morgan of Decatur, Morgan of Rush, Orth, Pennington, Reyburn, Rockhill, Stanford, and Todd—28.

So the Senate did not advise and consent to the appointment of James Morrison as one of the Judges of the Supreme Court of Indiana.

Ordered, That the Secretary inform his Excellency, the Governor, thereof.

The Senate having disposed of the business of the message, the doors were opened.

Message from the House of Representatives, by Mr. Farquhar, their clerk:

MR. PRESIDENT:

The House of Representatives have passed an engrossed bill thereof, entitled

No. 380. An act to raise a revenue for State purposes;

In which I am directed to ask, respectfully, the concurrence of the Senate.

No. 380. A bill to raise a revenue for State purposes;

Was read and ordered to a second reading.

Message from the House of Representatives, by Mr. Farquhar, their clerk:

MR. PRESIDENT:

The House of Representatives have passed, without amendment, an engrossed bill of the Senate, entitled

No. 39. An act to amend an act entitled "an act for the relief of persons who are likely to suffer by the destruction of the records of Miami county by fire, and for other purposes.

Message from the House of Representatives by Mr. Farquhar, their clerk:

MR. PRESIDENT:

The House of Representatives have passed, without amendment, an engrossed bill of the Senate, entitled

No. 246. An act to amend an act entitled "an act to incorporate the Buffalo and Mississippi railroad company, approved February 6, 1835," and all acts amendatory thereto.

Message from the House of Representatives by Mr. Farquhar, their clerk:

MR. PRESIDENT:

The Speaker has signed enrolled bills and joint resolutions of the House of Representatives of the following titles, viz:

No. 32. An act to abolish the office of county auditor in the county of Tipton;

No. 33. An act to amend an act, providing for the election of a school commissioner in Russell township, in the county of Putnam;

No. 35. An act to authorize Ruel Starr to erect a mill-dam across the Calumet river;

No. 37. An act legalizing certain proceedings had in the office of school commissioner in the county of Marshall;

No. 38. An act to authorize the board of commissioners of Bartholomew county to erect a toll bridge across the Driftwood fork of White river, at the town of Columbus, in said county;

No. 44. An act to repeal the act entitled an act relative to overseers of the poor, approved January 15, 1844, so far as the same is in force in Bartholomew and Spencer counties;

No. 48. A joint resolution in relation to a grant of land for the completion of the northern end of the Central canal;

No. 51. An act to legalize the election of trustees for the Enon Church of General Baptists, in Gibson county;

No. 58. An act to repeal a part of section 56, chapter 12, of Revised Statutes of 1843;

No. 68. An act to vacate a certain alley in the town of Pittsburgh, Carroll county;

No. 69. An act for the relief of Ann Matthews;

No. 73. An act to authorize Gustavus A. Rose and others to file their petition before the board of county commissioners of Laporte county;

No. 83. An act to authorize plaintiffs to collect the bid of purchasers at sheriffs' and constables' sales, and to repeal the 427th section of the 40th chapter of the Revised Statutes of 1843;

No. 84. An act to regulate the fees of county treasurers for receiving and expending the county seminary fund;

No. 88. An act to amend an act entitled an act to incorporate the town of Columbus, in the county of Bartholomew, Indiana, approved February 6, 1839, and for other purposes;

No. 97. A joint resolution on the subject of the Cumberland road and Harbor at Michigan City;

No. 101. An act to change the mode of doing county business in the county of Crawford;

No. 108. An act extending the provisions of an act for the protection of wild fruit growing on public lands in the counties of Lake, Porter, Laporte, St. Joseph, Marshall, Fulton, and Kosciusko, approved January 13, 1844;

No. 196. An act to incorporate the Union Literary Society of South Hanover college;

No. 110. An act to amend section eighty-eight, chapter forty-eight, article fourth, part third, of the Revised Statutes of 1843;

No. 112. An act entitled an act regulating elections of supervisors in the counties of Dekalb and Steuben;

No. 118. An act legalizing special sessions of the board of county commisioners in the county of Daviess;

No. 129. An act to change the name of Anna Maria Schmoll;

No. 145. An act to amend an act, entitled, an act for the relief of John Law, Lucius H. Scott, Hugh Steward, Henry V. McCall, James B. McCall, and Mary J. McCall, the heirs and legal representatives of James B. McCall, deceased, approved January 15th, 1844;

No. 249. An act to amend an act entitled an act for the relief of Ann Frankbower, approved January 15th, 1844;

No. 251. An act to extend the term of February, A. D., 1845, of the Miami probate court;

No. 275. An act to amend the 7th article of the thirteenth chapter of the Revised Statutes, so far as the county of Lawrence is concerned;

No. 277. An act declaring a road in Tippecanoe county a State road;

No. 282. An act for the relief of the heirs and legal representatives of Hezekiah B. Lucket and Sarah Yandel;

No. 290. An act to legalize the acts of John Harden, a justice of the peace, of Hamilton county;

No. 291. An act for summoning grand and petit jurors in the counties of Madison and Hancock, and fixing their fees;

No. 296. An act authorizing the county commissioners of the county of Dekalb to assess a road tax;

No. 303. An act to authorize the construction of a levee on the banks of Blue river, in Shelby county;

No. 310. An act amendatory of an act for the relief of the sureties of William H. Darnell, former school commissioner of Hendricks county.

The Speaker has also signed enrolled bills and joint resolutions of the Senate entitled as follows:

No. 12. An act to repeal a certain act therein named;

No. 20. An act to authorize the board of commissioners of Marion county to settle with John Elder, late surplus revenue agent, and for other purposes;

No. 35. An act to change the name of Cornelia Minerva Nevins to Cornelia Minerva Warner;

No. 74. An act providing compensation to supervisors of roads and highways;

No. 86. An act to authorize George French to construct a mill-dam across the Wabash river;

No. 87. An act supplemental to an act entitled "an act relative to the water power at Northport in Noble county, approved January 21, 1843;"

No. 118. An act to incorporate the Elkhart brass band;

No. 143. An act for the relief of Millens Loomer;

No. 149. An act to change the mode of doing county business in the county of Parke;

No. 187. An act to change the mode of doing county business in the county of Washington;

No. 205. An act for the relief of Priscil'a Lazenby and others;

No. 215. An act authorizing a company to construct a turnpike road from Cambridge City to Muncietown;

No. 232. An act to locate a State road in Jay and Blackford counties.

No. 283. An act to locate the county seat of Martin county;

No. 25. A joint resolution relative to postage;

Which I am directed to bring to the Senate for the signature of the President.

And thereupon the President affixed his signature to said enrolled bills, and they were delivered to the joint committee on enrolled bills to be presented to his Excellency, the Governor, for his approval and signature.

Mr. Duzan, from the joint committee on enrolled bills, submitted the following report:

MR. PRESIDENT:

The joint committee on enrolled bills did, on the 10th instant, present to his Excellency, the Governor, for his approbation and signature, the following enrolled bills of the Senate, to-wit:

No. 232. An act to locate a State road in Jay and Blackford counties;

No. 215. An act authorizing a company to construct a turnpike road from Cambridge city to Muncietown;

No. 187. An act to change the mode of doing county business in the county of Washington;

No. 25. A joint resolution relative to postage;

No. 205. An act for the relief of Priscilla Lazenby and others;

No. 149. An act to change the mode of doing county business in the county of Parke;

No. 87. An act supplemental to an act, entitled, "an act relative to the water power at Northport, in Noble county," approved January 21, 1843;

No. 143. An act for the relief of Millens Loomer;

No. 118. An act to incorporate the Elkhart Brass Band;

No. 74. An act providing compensation to supervisors of roads and highways;

No. 35. An act to change the name of Cornelia Minerva Nevins to Cornelia Minerva Warren;

Message from the House of Representatives, by Mr. Farquhar, their clerk:

MR. PRESIDENT:

The House of Representatives has passed engrossed bills thereof, as follows:

No. 59. An act authorizing the State Treasurer to receive certain Treasury notes, and for other purposes;

No. 109. An act to amend article 4, chapter 45, Revised Statutes of 1843;

No. 115. An act to repeal an act entitled, "an act providing for the opening and repairing roads and highways and streams, in the counties of Bartholomew, Putnam, Owen, Henry and Perry," approved January 31st, 1843;

No. 140. An act relative to chancery practice;

No. 150. An act to improve the navigation of Lost river.

No. 195. An act to locate a State road in the counties of Allen and Noble;

No. 221. An act in relation to proceedings upon writs of ad quod damnum;

No. 248. An act relative to the expenses of changing the venue in civil causes;

No. 169. An act to modify the 30th section of chapter 16, of the Revised Statutes;

No. 254. An act to allow further time to supervisors of roads to work the same;

No. 256. An act explanatory of section 54, article 1st, chapter 16, of the Revised Statutes;

No. 257. An act changing the mode of doing county business in the county of Brown;

No. 258. An act for the relief of Jesse Daver and Joseph Lea;

No. 265. An act for the relief of the purchasers of saline lands in Orange county;

No. 266. An act to amend the 1st article of the 50th chapter of the Revised Statutes of 1843;

No. 273. An act to repeal a part of the 163d section of chapter 12, of the Revised Statutes of 1843, as it respects its operation in Jackson, Scott, Lawrence, Clay, Warren, Johnson, and Brown counties;

No. 287. An act to require non-resident freeholders to pay a road tax equal to that of resident citizens;

No. 295. An act in relation to the Revised Statutes of 1843;

No. 299. An act to compel speculators to pay a road tax equal to that paid by actual settlers in the county of Tipton;

No. 301. An act for the relief of the creditors of John Graves, late of Clay county, deceased.

The House has also passed the following joint resolution:

No. 271. A joint resolution on the subject of a turnpike road from Bloomington to Columbus, through Brown county;

In which bills and joint resolution, I am directed to ask respectfully the concurrence of the Senate.

House bill,

No. 59. A bill authorizing the State Treasurer to receive certain Treasury notes, and for other purposes;

Was read.

On motion by Mr. Chapman of Laporte,

The rule of the Senate was suspended,

The bill read a second time and referred to the committee on finance.

House bill,

No. 109. A bill to amend article 4, chapter 45, Revised Statutes of 1843;

Was read.

On motion by Mr Davis,

The rule of the Senate was suspended,

The bill read a second and third times and passed.

House bill,

No. 195. An act to locate a State road in the counties of Allen and Noble;

Was read, and

On motion by Mr. Herriman,

The rule of the Senate was suspended,

The bill read a second and third times and passed.

Ordered, That the Secretary inform the House of Representatives of the passage of said bills and ask their concurrence.

House bill,

No. 115. A bill to repeal an act entitled, "an act providing for the opening and repairing roads and highways and streams, in the counties of Bartholomew, Putnam, Owen, Henry and Perry," approved January 31st, 1843;

Was read, and

On motion by Mr. Tannehill,

The rule of the Senate was suspended,

And the bill read a second time.

Mr. Tannehill moved to amend the bill by striking therefrom the words "and Bartholomew;"

Which was agreed to.

On motion by Mr. Tannehill,

The rule of the Senate was suspended,

The bill read a third time, and passed.

Ordered, That the Secretary inform the House of Representatives thereof.

House bill,

No. 140. A bill relative to chancery practice;

Was read.

On motion by Mr. Chapman of Laporte,

The rule of the Senate was suspended,

The bill read a second time and referred to the committee on the judiciary.

House bill,

No. 150. A bill to improve the navigation of Lost river;

Was read.

On motion by Mr. Chapman of Daviess,

The rule of the Senate was suspended,

The bill read a second time and referred to a select committee.

Ordered, That said committee consist of Messrs. Chapman of Daviess, Buell of Warren and Miller.

House bill,

No. 221. A bill in relation to proceedings upon writs of ad quod damnum;

Was read.

On motion by Mr. Chapman by Laporte,

The rule of the Senate was suspended,

The bill read a second time and referred to the committee on the judiciary.

House bill,

No. 248. A bill relative to the expenses of changing the venue in civil causes;

Was read.

On motion by Mr. Defrees,

The rule of the Senate was suspended,

The bill read a second time and referred to the committee on the judiciary.

On motion by Mr. Chapman of Laporte,

Mr. Orth was added to the committee on the judiciary.

House bill,

No. 169. A bill to modify the 30th section of chapter 16, of the Revised Statutes;

Was read.

On motion by Mr. Chapman of Laporte,

The rule of the Senate was suspended,

The bill read a second time and referred to the committee on roads.

House bill,

No. 254. A bill to allow further time to supervisors of roads to work the same;

Was read.

On motion by Mr. Herriman,

The rule of the Senate was suspended,

The bill read a second time, and

Ordered, To lie upon the table.

House bill,

No. 256. An act explanatory of section 54, article 1st, chapter 16, of the Revised Statutes;

Was read.

On motion by Mr. Chapman of Laporte,

The rule of the Senate was suspended,

The bill read a second time and referred to the committee on roads.

House bill,

No. 257. A bill changing the mode of doing county business in the county of Brown;

Was read.

On motion by Mr. Farmer,

The rule of the Senate was suspended,

The bill read a second and third times, and passed.

Ordered, That the Secretary inform the House of Representatives thereof.

House bill,

No. 258. A bill for the relief of Jesse Daver and Joseph Lea;

Was read.

On motion by Mr. Farmer,

The rule of the Senate was suspended,

The bill read a second time, and referred to the committee on education.

House bill,

No. 265. A bill for the relief of the purchasers of saline lands, in Orange county;

Was read.

On motion by Mr. Orth,

The rule of the Senate was suspended,

The bill read a second time, and referred to the committee on finance.

House bill,

No. 266. A bill to amend the 1st article of the 50th chapter of the Revised Statutes of 1843;

Was read.

On motion by Mr. Davis,

The rule of the Senate was suspended,

The bill read a second time, and amended by adding, after the word "Harrison," the words "and Floyd."

On motion by Mr. Davis,

The rule of the Senate was further suspended,

The bill read a third time, and passed.

Ordered, That the Secretary inform the House of Representatives thereof.

House bill,

No. 273. A bill to repeal a part of the 163d section of chapter 12, of the Revised Statutes of 1843, as it respects its operation in Jackson, Scott, Lawrence, Clay, Warren, Johnson and Brown counties;

Was read.

On motion by Mr. Carr,
The rule of the Senate was suspended, and
The bill read a second time.
Mr. Logan moved to amend the bill by adding, after the word "Brown," in the first section, the word "Washington;"
Which was agreed to.
Mr. Stanford moved to amend the bill by adding after "Washington," the word "Henry;"
Which was agreed to.
Mr. Morgan of Decatur moved to amend the bill by adding after the word "Henry," the word "Decatur;"
Which was agreed to.
Mr. Chapman of Laporte moved to refer the bill to the committee on the judiciary, with instructions to enquire into the expediency of making its provisions general;
Which was not agreed to.
Mr. Farmer moved to amend the bill by adding after the word "Decatur," the word "Monroe;"
Which was agreed to.
Mr. Bowers moved to amend the bill by adding after the word "Monroe," the word "Ripley;"
Which was agreed to.
Mr. Chapman of Daviess moved to amend the bill by adding after the word "Ripley," the word "Daviess;"
Which was agreed to.
Mr. Jackson moved to amend the bill by adding after the word "Daviess," the word "Madison;"
Which was agreed to.
Mr. Henry moved to amend the bill by adding after the word "Madison," the word "Switzerland;"
Which was agreed to.
Mr. Chapman of Laporte moved to indefinitely postpone the further consideration of the bill.
The ayes and noes were desired by two Senators,

Those who voted in the affirmative are,

Messrs. Alexander, Bradbury, Buell of Warren, Chapman of Laporte, Coffin, Cotton, Davis, Defrees, Ewing, Goodenow, Hodge, Holloway, Hutton, Jones, Lane, Moore, Orth, Parks, Pennington, and Reyburn—20.

Those who voted in the negative are,

Messrs. Akin, Allison, Berry, Bowers, Buell of Dearborn, Carr, Chapman of Daviess, Dole, Edmonson, Farmer, Hamer, Henry, Herriman, Jackson, Kennedy, Leviston, Logan, Major, Miller, Morgan of Decatur, Morgan of Rush, Read, Rippey, Ritchey, Rockhill, Stanford, Tannehill, Todd, and Wood—29.

So the bill was not indefinitely postponed.
Mr. Kennedy moved to amend the bill by adding after the word "Switzerland," the word "Shelby;"
Which was agreed to.
Mr. Wood moved to amend the bill by adding after the word "Shelby," the words "Randolph, Jay, and Blackford;"
Which was agreed to.
Mr. Leviston moved to amend the bill by adding after the word "Blackford," the words "Union and Fayette;"
Which was agreed to.
Mr. Buell of Dearborn moved to amend the bill by adding after the word "Fayette," the words "Dearborn and Ohio;"
Which was agreed to.
Mr. Lane moved to refer the bill to the committee on the judiciary, with instructions to make its provisions general;
Which was not agreed to.
Mr. Herriman moved to amend the bill by adding after the word "Ohio," the word "Noble;"
Which was agreed to.
Mr. Hutton moved to amend the bill by adding after the word "Noble," the word "Putnam;"
Which was agreed to.
Mr. Morgan of Rush moved to amend the bill by adding the word "Rush" after the word "Putnam;"
Which was agreed to.
Mr. Carr moved to suspend the rule of the Senate and read the bill a third time now;
Upon which,
The ayes and noes being desired by two Senators,

Those who voted in the affirmative are,

Messrs. Akin, Berry, Bowers, Carr, Chapman of Daviess, Dole, Edmonson, Farmer, Hamer, Henry, Herriman, Jackson, Leviston, Logan, Major, Miller, Morgan of Decatur, Morgan of Rush, Read, Rippey, Ritchey, Stanford, Tannehill, Todd, and Wood—25.

Those who voted in the negative are,

Messrs. Alexander, Allison, Bradbury, Buell of Dearborn, Buell of Warren, Chapman of Laporte, Coffin, Cotton, Davis, Defrees, Ewing, Goodenow, Hodge, Holloway, Jones, Kennedy, Lane, Moore, Orth, Parks, Pennington, Reyburn, and Rockhill—23.
So the rule was not suspended.
Ordered, That the bill be read a third time on to-morrow.

Mr. Davis moved to reconsider the vote on the passage of House bill,

No. 266. A bill to amend the first article of the fiftieth chapter of the Revised Statutes of 1843;

Which was agreed to.

Mr. Davis moved to amend the bill so as to exclude from its operations the county of Floyd;

Which was agreed to,

And the bill passed.

Ordered, That the Secretary inform the House of Representatives thereof.

House bill,

No. 287. An act to require non-resident freeholders to pay a road tax equal to that of resident citizens;

Was read.

On motion by Mr. Farmer,

The rule of the Senate was suspended, the bill read a second time, and referred to the committee on the judiciary.

House bill,

No. 295. A bill in relation to the Revised Statutes of 1843;

Was read, and,

On motion by Mr. Chapman of Laporte,

The rule of the Senate was suspended, and the bill read a second time.

Mr. Buell of Dearborn moved to lay the bill upon the table;

Which was agreed to.

House bill,

No. 299. A bill to compel speculators to pay a road tax equal to that paid by actual settlers in the county of Tipton;

Was read.

On motion by Mr. Duzan,

The rule of the Senate was suspended and the bill read a second time.

Mr. Morgan of Decatur moved to lay the bill upon the table;

Which was not agreed to.

On motion by Mr. Chapman of Laporte,

The bill was referred to the committee on roads.

No. 301. A bill for the relief of the creditors of John Graves, late of Clay county, deceased;

Was read.

On motion by Mr. Buell of Dearborn,

The rule of the Senate was suspended, the bill read a second time, and referred to the committee on the judiciary.

Joint resolution of the House,

No. 271. A joint resolution on the subject of a turnpike road from Bloomington to Columbus, through Brown county;

Was read, and,

On motion by Mr. Tannehill,

The rule of the Senate was suspended,

The bill read a second and third times, and passed.

Ordered, That the Secretary inform the House of Representatives thereof, and ask their concurrence.

House bill,

No. 72. A bill to amend the several acts for the loaning and collecting of the sinking fund, and for other purposes;

Was read, and,

On motion by Mr. Chapman of Laporte,

The rule of the Senate was suspended, the bill read a second time, and ordered to lie upon the table.

Message from the House of Representatives, by Mr. Farquhar, their Clerk:

MR. PRESIDENT:

The House of Representatives has passed an engrossed bill thereof, entitled:

No. 222. An act to amend an act to provide for the continuance of the construction of all or any part of the public works of this State, by private companies, and for abolishing the board of internal improvements, and the offices of fund commissioner and chief engineer, approved January 28, 1842;

In which I am directed to ask respectfully, the concurrence of the Senate.

House bill No. 222, contained in the foregoing message, was read.

Mr. Buell of Warren, moved to suspend the rule of the Senate, and read the bill a second time now;

Upon which,

The ayes and noes being desired by two Senators,

Those who voted in the affirmative are,

Messrs. Akin, Alexander, Allison, Buell of Warren, Carr, Chapman of Laporte, Coffin, Cotton, Davis, Defrees, Dole, Duzan, Edmonson, Ewing, Farmer, Goodenow, Hamer, Hodge, Holloway, Hutton, Jackson, Jones, Lane, Leviston, Moore, Morgan of Rush, Orth, Parks, Read, Reyburn, Ritchey, Rockhill, Tannehill, Todd and Wood—35.

Those who voted in the negative are,

Messrs. Buell of Dearborn, Chapman of Daviess, Henry, Herriman, Kennedy, Logan, Major, Miller, Morgan of Decatur, Pennington, Rippey, and Stanford—12.

So the rule of the Senate was suspended, and the bill read a second time.

Mr. Morgan of Decatur, moved to refer the bill to the committee on corporations;

Which was not agreed to.

Mr. Herriman, moved to refer the bill to the committee on canals and internal improvements;

Which was not agreed to.

On motion by Mr. Chapman of Laporte,

The bill was referred to a select committee of five.

Ordered, That said committee be composed of Messrs. Chapman of Laporte, Ritchey, Goodenow, Tannehill and Todd.

Message from the House of Representatives, by Mr. Farquhar, their Clerk:

MR. PRESIDENT:

The House of Representatives has passed, without amendment, engrossed bills of the Senate, as follows:

No. 35. An act to change the name of Cornelia Minerva Nevins, to Cornelia Minerva Warner;

No. 115. An act to amend an act, entitled, an act to incorporate the city of New Albany, and to repeal all laws now in force incorporating the town of New Albany, approved Feb. 14, 1839.

The House has passed engrossed bills thereof, as follows:

No. 189. An act to extend the time to the collectors of Bartholomew and Delaware counties, to settle the State and county revenue of said counties, for the year 1844;

No. 274. An act changing the time of holding courts in the seventh judicial circuit;

No. 236. An act providing for the better collection of the water rents due the State;

No. 264. An act to incorporate the Michigan road company;

No. 276. An act to regulate judicial notices in the county of Daviess;

No. 312. An act to incorporate the Indianapolis and Peru turnpike company;

No. 316. An act for the relief of the securities of Daniel Carle;

No. 317. An act to locate a State road therein named;

No. 318. An act to change a certain State road in Elkhart county;

No. 319. An act to locate a State road in the county of Marshall;

No. 322. An act declaring Big Blue river a public highway;

No. 323. An act to incorporate the town of Bloomington, in the county of Monroe;

No. 324. An act vacating a part of a State road therein named;

No. 325. An act to authorize the school commissioner of Porter county to sell a certain tract of land to Benjamin N. Spencer, Charles E. DeWolf and Joseph Bartholomew.

No. 326. An act changing the mode of doing county business in the county of Putnam;

No. 335. An act legalizing the proceedings of the board doing county business in Martin county, and also of James Dilley as treasurer and collector;

No. 345. An act to amend an act, entitled "An act to incorporate the College corner and Liberty turnpike company, and the Liberty and Abington turnpike company," approved January 15th, 1844;

No. 348. An act to locate a State road in Miami, Richardville, and Tipton counties, and also to locate a State road in Richardville and Clinton counties;

No. 354. An act to authorize William Conner and John D. Stephenson to erect a mill dam across White river, in Hamilton county;

No. 355. An act to provide for the incorporation of the town of Lafayette in Tippecanoe county;

No. 361. An act to repeal an act, entitled "An act to amend the fourth article of the sixteenth chapter of the Revised Statutes of 1843, so far as relates to the counties of Washington and Jackson," approved January 5th, 1844, so far as relates to the county of Washington;

In which I am directed to ask respectfully, the concurrence of the Senate.

No. 189. A bill to extend the time to the collectors of Bartholomew and Delaware counties, to settle the State and county revenue of said counties for the year 1844;

Contained in the message, was read, and,

On motion by Mr. Morgan of Rush,

The rule of the Senate was suspended, the bill read a second time, and referred to the committee on finance.

No. 274. A bill changing the time of holding courts in the seventh judicial circuit;

Contained in the message, was read, and,

On motion by Mr. Coffin,

The rule of the Senate was suspended, the bill read a second time, and,

Ordered, To lie upon the table.

On motion by Mr. Wood,

The Senate adjourned.

SATURDAY MORNING, JANUARY 11, 1845.

The Senate assembled.

On motion by Mr. Parks,

The Senate dispensed with the reading of the journal of the preceding day.

The President laid before the Senate, the following report of the Indiana Mutual Fire Insurance Company, in pursuance of the charter of said company:

OFFICE INDIANA MUTUAL FIRE INSURANCE COMPANY,
Indianapolis, January 10, 1845.

HON. JESSE D. BRIGHT,
President of the Senate:

SIR: In accordance with the twenty-second section of the act incorporating this office, I have the honor herewith to transmit a copy of the eighth annual report of the directors to the members, which you will please lay before the General Assembly.

Very respectfully,
Your obedient servant,
CHAS. W. CADY, *Sec'y.*

—

[COPY.]

REPORT

Of the Directors of the Indiana Mutual Fire Insurance Company to the members, at their eighth annual meeting, Wednesday, December 4, 1844:

OFFICE INDIANA MUTUAL FIRE INSURANCE COMPANY,
Indianapolis, December 4, 1844.

The Board of Directors of the Indiana Mutual Fire Insurance Company beg leave to submit to the members thereof, at their eighth annual meeting, the following report of the affairs and operations of the company for the official year, commencing December 1, 1843, and terminating November 30, 1844:

Policies have been issued, during the year, to the number of two hundred and forty-one.

Insuring on property to the amount of	352,410 00
On which premium notes have been given, amounting to	23,507 30
The five per centage on said notes is	1,175 36½
And fees for policies amount to	241 00
The whole number of policies since March 20, 1837, is	2,970 00
Covering property to the amount of	5,379,220 00
From which has been discharged the sum of	3,699,820 00
Leaving at risk, November 30, 1844, the sum of	1,679,400 00
The whole amount of premium notes taken is	376,646 45
And the sum discharged therefrom is	261,490 40
Leaving in force as a fund to meet losses, November 30, 1844,	115,156 05

The following schedule exhibits the liabilities of the company on account of losses by fire during the past year, including the estimated interest thereon to January 1, 1845; also, the amount of assessment necessary to cover said losses and interest as ordered September 9, 1844:

Date.	*Name of Assured.*	*Residence.*	*Loss.*	*Estimated interest.*	*Assessment.*
1843,					
October 27,	F. A. & L. G. Harris,	Goshen,	$85 63	$6 56	
November 19,	Martin Schmall,	Evansville,	45 00	3 02	
November 21,	P. L. & E. D. Paine,	Madison,	3,250 00	216 67	Requiring 2½ per cent.
December 19,	S. H. Patterson,	Jeffersonville, property in Indianapolis,	25 00	1 59	
1844,					
January 20,	Alexander McClure,	New Harmony,	1,229 77	69 89	" 1¼ per cent.
March 3,	Elias Conwell,	Napoleon,	300 00	14 90	" ½ per cent.
March 29,	Drusas Nichols,	Lagrange county,	240 00	10 92	" ½ per cent.
July 22,	Pinkney James,	Rising Sun,	700 00	18 55	" ¾ per cent.
	Jacob Wolf,	Wayne county,	250 00		
	Adam Condo,	Wayne county,	4 33		
			6,129 73	$342 10	5½ per cent.
			342 10		Add 1 for com.
			$6,471 83		6½ per cent.

For which losses and interest thereon, drafts have been drawn on the Treasurer of the Company, payable January 1, 1845.

RECEIPTS.

During the year the receipts have been as follows:

Balance in the Treasury, November 30, 1843,	3,960 83	
Five per centage on premium notes,	1,175 36½	
Fees for policies,	241 00	
Assessments on discharged and expired notes,	2,312 19	
Interest on assessments,	193 35	
Profit and loss,	50 97	
Assessment No. 2, ordered September 30, 1839,	146 58	
Assessment No. 3, ordered September 26, 1840,	148 64	
Assessment No. 4, ordered August 11, 1841,	386 13	
Assessment No. 5, ordered July 28, 1842,	2,283 66	
Assessment No. 6, ordered August 25, 1843,	5,932 50	
Assessment No. 7, ordered September 9, 1844,	675 27	
	$17,506 48½	

EXPENDITURES.

The expenditures for the year have been as under:

Losses by fire,	8,698 35
Interest on losses,	983 48
Interest, discount, and exchange,	62 20
Postages,	264 88
Advertising,	53 03
Stationery,	48 75
Investigation of losses,	7 50
Costs of suits,	31 83
Rent and heat of office rooms—balance of 1843,	286 00
Rent and heat of office rooms for 1844,	300 00
Attorneys, for professional services,	127 00
Abatement,	8 00
Miscellaneous items,	5 48
Agents, for applications,	203 00
Agents, commissions on collections,	213 94
President and Treasurer,	500 00
Secretary,	1,200 00

Clerk hire,	110 00	
		$13,103 44
Leaving a balance, November 30, 1844, of		$4,403 04½

A large share of which consists of balances due from agents, whose quarterly accounts are greatly augmented this year by the large amount charged on discharged and expired notes.

TOTAL RECEIPTS.

(*Since March* 20, 1837.)

Five per centage on premium notes,	18,832 32¼	
Fees for policies,	2,970 00	
Assessments on discharged and expired notes,	9,758 88¼	
Loans, to pay losses,	30,647 60	
Assessment No. 1, ordered October 9, 1838,	6,359 33	
Assessment No. 2, ordered September 30, 1839,	15,303 57	
Assessment No. 3, ordered September 26, 1840,	28,127 60	
Assessment No. 4, ordered August 11, 1841,	15,092 22	
Assessment No. 5, ordered July 28, 1842,	21,497 62	
Assessment No. 6, ordered August 25, 1843,	7,468 82	
Assessment No. 7, ordered September 9, 1844,	675 27	
Interest on assessments,	536 38	
Profit and loss,	98 93½	
Judgments on premium notes,	195 12	
Miscellaneous items,	95 25	
		$157,658 93

TOTAL EXPENDITURES.

(*Since March* 20, 1837.)

Losses, interest thereon, and expenses,	122,583 58½	
Judgments on premium notes repaid,	24 69	
Loans, repaid,	30,647 60	
		153,255 87½
Leaving a balance, November 30, 1844, of		$4,403 04½

PROGRESS OF THE COMPANY.

The following table exhibits, at the end of each month, the number of policies issued; amount insured; amount of premium notes; amount of five per centage; increase of amount insured; amount discharged; and amounts at risk and notes in force.

Months.	Policies	Amount Insured.	Premium Notes.	Five per cent.	INCREASE. Amount Insured.	INCREASE. Premium Notes.	DISCHARGED. Amount Insured.	DISCHARGED. Premium Notes.	AT RISK. Amount Insured.	IN FORCE. Premium Notes.
Dec. 31, 1843,	2,763	5,081,260	356,364 65	17,818 23¼	54,450	3,225 50	2,973,000	209,361 20	2,108,260	147,003 45
Jan. 31, 1844,	2,788	5,117,040	358,710 35	17,935 51¾	35,780	2,345 65	3,060,890	215,199 90	2,056,150	143,510 45
Feb. 29,	2,816	5,167,440	362,367 10	18,118 35½	50,400	3,656 75	3,188,370	224,014 85	1,979,070	138,352 25
March 31,	2,827	5,181,940	363,271 60	18,163 58	14,500	904 50	3,267,960	229,071 85	1,913,980	134,199 75
April 30,	2,836	5,193,190	363,966 35	18,198 31¾	11,230	694 75	3,319,650	232,829 45	1,873,520	131,136 90
May 31,	2,854	5,216,050	365,550 45	18,277 62¼	22,880	1,586 10	3,377,600	237,058 85	1,838,450	128,493 60
June 30,	2,860	5,224,470	366,121 35	18,206 06¾	8,420	568 90	3,429,110	240,598 10	1,795,360	125,523 25
July 31,	2,873	5,253,550	368,164 65	18,408 23¾	28,080	2,043 30	3,475,850	245,070 20	1,777,700	123,094 45
August 31,	2,906	5,295,970	371,351 35	18,567 56¾	42,420	3,186 70	3,518,860	248,179 20	1,777,110	123,172 15
Sept. 30,	2,917	5,309,250	372,257 75	18,612 88¾	13,280	906 40	3,557,900	250,800 65	1,751,350	121,457 10
October 31,	2,933	5,329,880	373,704 95	18,685 24¾	20,630	1,447 20	3,614,540	255,239 60	1,715,340	118,465 35
Nov. 30,	2,970	5,379,220	376,646 45	18,830 32¼	49,340	2,941 50	3,699,820	261,490 40	1,679,400	115,156 05

AFFAIRS OF THE COMPANY.

During the past year large amounts have been discharged under the several resolutions of the board in regard to extra-hazardous risks; the reduction of the maximum exposure in single or aggregated risks to the sum of $5,000 instead of $10,000; and in cases where it has been found that policies have been issued on false representations, so that the lien created under the charter of the company could not be enforced; and where the insolvency of the assured and other causes would, in all probability, prevent the recovery of assessments by legal process or otherwise. An increase of the amount insured over that of last year is observed to the extent of over $117,000; in the advance payment on premium notes there has accrued an increase of $423 26½; and 64 policies more than last year have been issued. While, on the one hand, extra-hazardous risks have been alienated, and excessive insurances reduced, on the other, a better class of risks have been taken under the protection of the company, and as a necessary and favorable consequence, the losses have been less in amount, and the assessments lighter than in preceding years.

It is still just cause of complaint, on the part of sufferers by fire, and of deep regret to the board of directors, that large amounts are due on previous assessments, the effect of which delinquency on the part of members is to postpone the prompt payment of drafts at their maturity, and to subject the company to injurious reproach from the public. Efficient measures have been pursued for the collection of assessments, and in several suits at law, judgments have been rendered in favor of the company, which, under existing laws, cannot at once be collected. No proper efforts will be omitted to reduce the indebtedness of members, and by this course, that of the company to holders of drafts. In the course of a few years it is thought that an ample fund may and should be accumulated for the prompt payment of losses, and sufficient beside to cover assessments which cannot, for various reasons, be collected without considerable delay. By pursuing a policy tending to create such a fund—a liberal adjustment of claims—the rejection of all extra-hazardous risks, and a just selection of members, the board cannot but anticipate an increased business and the amelioration of a large share of misfortune arising from the calamity of fire. The citizens of this State are surely interested in the success of this institution, in order to retain a great amount of money within home limits now sent abroad to foreign corporations, as well as to secure to themselves prompt and just indemnity for their losses by fire. It will be borne in mind that this company is the only one in the State which pursues a regular and legitimate insurance business—totally free from all taint of usurious practice—and that its affairs are directly under the control of a directory chosen from among and by the members

themselves at their annual meetings, all whose interests are amply guarded by a charter extremely fair and liberal in its provisions, and of perpetual duration. Since the commencement of operations on the 20th March, 1837, the directory have allowed claims to the amount of $103,248 57, on which interest has been paid to the amount of $4,487 54, making a total of $107,736 11. The average cost of insurance to those who have been members of the company since its organization—a period of nearly eight years—has been a little less than *six tenths* of that charged by stock companies, so that a large saving has been effected directly in favor of the assured, and indirectly to the State at large, by keeping a considerable amount of money at home which, but for the establishment and successful operation of this company, would have been paid to the agents of foreign corporations. Looking at the large amount allowed to sufferers by fire, it is matter of congratulation that but little litigation has been necessary to adjust the claims presented to the board; and that only in some three or four cases, where a small sum was in question, rejection of the claim became imperative. Whenever the courts have been resorted to, either by sufferers or the company, for indemnity or defence, their decisions have met with prompt compliance on the part of the directors. From the foregoing considerations it is hoped that all classes of our citizens will be induced to a more critical examination of the company's claims upon their patronage and continued good will, because it is certain that incalculable advantage will accrue to those who are connected with its interests.

The assessment ordered September 9, 1844, payable November 5th, is now but partially paid in, but it is hoped that a major part of it will be in hand on or before the 1st January ensuing, on which day the drafts issued for the losses of the past year become due. The amendment to the charter, approved January 24, 1842, by which delinquents, after a delay of thirty days from the day fixed for the payment of assessments, are debarred all benefit or advantage of their insurances during such delinquency, will have the effect to cause the prompt payment of a large share of assessments; and in the course of time this amendment will prove highly conservative and popular, tending as it does, to the correction of an evil acknowledged by all after ample experience, to be greatly injurious to the credit and efficiency of the company's operations. A table of ledger balances on the 30th ultimo is annexed hereto.

Respectfully submitted in behalf of the directors,

JAMES BLAKE, *President.*

INDIANA MUTUAL FIRE INSURANCE COMPANY.

Ledger Balances—November 30, 1844.

Expenditures—1843, 1844.		*Receipts*—1843, 1844.	
Losses by fire,	$8,698 35	Balance November 30, 1843,	$3,960 83
Interest, discount, and exchange,	1,045 68	Premiums and policies,	1,416 36½
Abatement,	8 00	Assessments on discharged and exp. notes,	2,312 19
Incidental expenses,	3,351 41	Interest, discount, and ex.,	193 35
Balance,	4,403 04½	Profit and loss,	50 97
		Assessment No. 2,	146 58
		Assessment No. 3,	148 64
		Assessment No. 4,	386 13
		Assessment No. 5,	2,283 66
		Assessment No. 6,	5,932 50
		Assessment No. 7,	675 27
	$17,506 48½		$17,506 48½
Interest on losses,	$983 48		
Interest, discount, &c.,	62 20		
Total,	$1,045 68	Balance November 30, 1844,	$4,403 04½

CHAS. W. CADY, *Secretary.*

Which,
On motion by Mr. Stanford,
Was ordered to lie upon the table.

Joint resolution of the House, No. 390. A joint resolution on the subject of the Wabash and Erie canal;

Was read.

On motion by Mr. Dole,
The rule of the Senate was suspended, and
And the joint resolution read a second time.

Mr. Jones moved to amend the joint resolution by striking from the last section thereof, the word "twenty," and inserting the word "thirty," in lieu thereof;

Which was not agreed to.

Mr. Dole moved further to suspend the rule of the Senate, and read the bill a third time now;

The ayes and noes being desired by two Senators,

Those who voted in the affirmative are,

Messrs. Akin, Alexander, Allison, Bowers, Bradbury, Buell of Dearborn, Buell of Warren, Chapman of Daviess, Chapman of Laporte, Coffin, Cotton, Davis, Defrees, Dole, Edmonson, Ewing, Farmer, Goodenow, Hamer, Henry, Holloway, Jackson, Kennedy, Lane, Leviston, Major, Miller, Moore, Morgan of Decatur, Morgan of Rush, Orth, Parks, Pennington, Read, Reyburn, Stanford, Tannehill, Todd and Wood—39.

Those who voted in the negative are,

Messrs. Berry, Carr, Duzan, Herriman, Hodge, Hutton, Jones, Logan, Rippey and Rockhill—10.

So the rule of the Senate was suspended,

The joint resolution read a third time, and passed.

Ordered, That the Secretary inform the House of Representatives thereof.

On motion by Mr. Buell of Dearborn,
The order of business was suspended,
And the Senate proceeded to consider,

A message from the House of Representatives by Mr. Farquhar, their clerk:

Mr. President:

The House of Representatives have passed an engrossed bill of the Senate, entitled,

No. 172. An act to amend the several acts for the loaning and collecting of the sinking fund, and for other purposes,

With two amendments;
In which I am directed to ask respectfully the concurrence of the Senate.

On motion by Mr. Buell of Dearborn,
The Senate disagreed to the engrossed amendments of the House of Representatives to the engrossed bill of the Senate, contained in the foregoing message.
Ordered, That the Secretary notify the House of Representatives accordingly.
House bill,
No. 236. A bill providing for the better collection of the water rents due the State;
Was read, and
On motion by Mr. Chapman of Laporte,
The rule of the Senate was suspended,
The bill read a second time, and referred to the committee on finance.
House bill,
No. 264. A bill to incorporate the Michigan road company;
Was read, and
On motion by Mr. Buell of Dearborn,
The rule of the Senate was suspended,
The bill read a second time, and referred to the committee on corporations.
House bill,
No. 276. A bill to regulate judicial notices in the county of Daviess;
Was read, and
On motion by Mr. Chapman of Daviess,
The rule of the Senate was suspended,
The bill read a second and third times and passed.
Ordered, That the Secretary inform the House of Representatives thereof.
House bill,
No. 312. A bill to incorporate the Indianapolis and Peru turnpike company;
Was read, and,
On motion by Mr. Morgan of Decatur,
The rule of the Senate was suspended,
The bill read a second time, and order to a thirded reading.
House bill,
No. 316. A bill for the relief of the securities of Daniel Carle;
Was read, and
On motion by Mr. Logan,
The rule of the Senate was suspended,
The bill read a second and third times, and passed.

Ordered, That the Secretary inform the House of Representatives thereof.
House bill,
No. 317. A bill to locate a State road therein named;
Was read.
On motion by Mr. Chapman of Daviess,
The rule of the Senate was suspended,
The bill read a second and third times and passed.
House bill,
No. 318. An act to change a certain State road in Elkhart county;
Was read, and
On motion by Mr. Rippey,
The rule of the Senate was suspended,
The bill read a second and third times and passed.
House bill,
No. 319. A bill to locate a State road in the county of Marshall;
Was read, and
On motion by Mr. Defrees,
The rule of the Senate was suspended,
The bill read a second and third times and passed.
House bill,
No. 322. A bill declaring big Blue river a public highway;
Was read, and
On motion by Mr. Miller,
The rule of the Senate was suspended,
The bill read a second and third times, and passed.
House bill,
No. 323. A bill to incorporate the town of Bloomington, in the county of Monroe;
Was read, and
On motion by Mr. Farmer,
The rule of the Senate was suspended,
The bill read a second and third times, and passed.
Ordered, That the Secretary inform the House of Representatives of the passage of said bills.
House bill,
No. 324. A bill vacating a part of a State road therein named;
Was read, and
On motion by Mr. Akin,
The rule of the Senate was suspended,
The bill read a second and third times, and passed.
Mr. Chapman of Laporte, moved to amend the title of the bill by striking out the words "therein named," and inserting in lieu thereof, the words "in the counties of Elkhart and Noble;"
Which was agreed to.
Ordered, That the Secretary inform the House of Representatives thereof, and ask their concurrence in the amendment of the Senate.
House bill,

No. 325. An act to authorize the school commissioner of Porter county to sell a certain tract of land to Benjamin N. Spencer, Chas. E. DeWolf and Joseph Bartholomew;

Was read, and

On motion by Mr. Chapman of Laporte,

The rule of the Senate was suspended,

The bill read a second and third times, and passed.

House bill,

No. 326. A bill changing the mode of doing county business in the county of Putnam;

Was read, and

On motion by Mr. Hutton,

The rule of the Senate was suspended,

The bill read a second and third times, and passed.

House bill,

No. 335. A bill legalizing the proceedings of the board doing county business in Martin county, and also, of James Dilley as treasurer and collector;

Was read, and

On motion by Mr. Chapman of Daviess,

The rule of the Senate was suspended,

The bill read a second and third times, and passed.

House bill,

No. 345. A bill to amend an act entitled, "an act to incorporate the College Corner and Liberty turnpike company, and the Liberty and Abington turnpike company," approved January 15th, 1844;

Was read, and

On motion by Mr. Defrees,

The rule of the Senate was suspended,

The bill read a second and third times, and passed.

House bill,

No. 348. A bill to locate a State road in Miami, Richardville and Tipton counties, and also, to locate a State road in Richardville and Clinton counties;

Was read, and

On motion by Mr. Reyburn,

The rule of the Senate was suspended,

The bill read a second and third times, and passed.

House bill,

No. 354. A bill to authorize William Conner and John D. Stephenson to erect a mill dam across White River, in Hamilton county;

Was read, and,

On motion by Mr. Duzan,

The rule of the Senate was suspended,

The bill read a second and third times, and passed.

House bill,

No. 355. A bill to provide for the incorporation of the town of Lafayette, in Tippecanoe county;

Was read, and,

On motion by Mr. Orth,

The rule of the Senate was suspended,

The bill read a second and third times, and passed.

Ordered, That the Secretary inform the House of Representatives of the passage of said bills.

On motion by Mr. Davis,

Ordered, That Messrs. Jones and Allison be added to the committee on enrolled bills.

House bill,

No. 361. A bill to repeal an act, entitled "An act to amend the fourth article of the sixteenth chapter of Revised Statutes of 1843, so far as relates to the counties of Washington and Jackson," approved January 5th, 1844, so far as relates to the county of Washington;

Was read, and,

On motion by Mr. Logan,

The rule of the Senate was suspended, the bill read a second time, and referred to the committee on roads.

A message from the House of Representatives, by Mr. Farquhar, their Clerk:

MR. PRESIDENT:

The House of Representatives have passed engrossed bills thereof, of the following titles:

No. 61. An act exempting personal property from execution;

No. 133. An act to amend the 73d section of the 4th article of the 15th chapter of the Revised Statutes of 1843;

No. 134. An act to appoint examiners of common school teachers in the counties of Switzerland, Hancock, Allen and Orange;

No. 136. An act extending the provisions of an act, entitled "An act to provide for the appointment of township assessors in certain counties therein named, and defining their duties," approved January 15, 1844, to the county of Clay;

No. 137. An act to restrict the grand jury in Franklin county to a limited time in their sessions;

No. 139. An act changing the election of school trustees in the counties of De Kalb and Steuben;

No. 141. An act to provide for a uniform mode of doing township business, in Clay county;

No. 144. An act for the relief of Sintha Parks, widow of Alexander Parks, deceased;

No. 147. An act for the appointment of commissioners of the reserved townships of land in the counties of Gibson and Monroe;

No. 151. An act declaring Deer creek, in Perry county, a navigable stream;

No. 157. An act to provide for issuing an execution to any county in this State in certain cases;
No. 158. An act to extend the time of holding the probate court in Montgomery county;
No. 159. An act to amend the second article of the forty-second chapter of Revised Statutes of 1843;
No. 160. An act to authorize the county treasurer of De Kalb county, to apply certain State revenue in his hands;
No. 209. An act to regulate the jurisdiction of justices of the peace in the counties of Lake and Porter.
No. 311. An act to incorporate the President, Directors & Co., of the Indianapolis and Andersontown canal company;
No. 328. An act for the relief of the heirs of Noah Noble, deceased;
No. 384. An act to provide for the binding of the laws and journals;
No. 386. An act to authorize the county commissioners of White county to grant license to clock pedlers;
No. 388. An act for the relief of the collector of Greene county;
No. 389. An act to locate a State road in the counties of Tippecanoe and Warren;
No. 392. An act to repeal the 93d section of the 2d article of the 53d chapter of the Revised Statutes of 1843, so far as the same relates to the county of Boone;
No. 393. An act reviving and amending a certain act, entitled "An act to compel speculators to pay a road tax equal to that paid by actual settlers," approved January 31, 1842;
No. 394. An act to change the name of the town of Faithsville to Parkersburgh, in the county of Montgomery;
No. 395. An act in relation to road tax upon canal and school lands, in the counties of Wabash and Miami;
No. 396. An act to improve the breed of horses in Jay county;
No. 397. An act to do justice to the people of Martin county;
No. 399. An act to vacate the town of Berlin in the county of Fayette.

The House of Representatives have also passed engrossed joint resolutions thereof, entitled:

No. 155. A memorial and joint resolution on the subject of the Cumberland road;
No. 390. A joint resolution on the subject of the Wabash and Erie canal;
In which several bills and joint resolutions, I am directed to ask respectfully, the concurrence of the Senate.

House bill,
No. 61. A bill exempting personal property from execution;
Contained in the foregoing message, was read.

On motion by Mr. Chapman of Laporte,
The rule of the Senate was suspended,
The bill read a second and third times, and passed.
Ordered, That the Secretary inform the House of Representatives thereof.
House bill,
No. 134. A bill to appoint examiners of common school teachers in the counties of Switzerland, Hancock, Allen and Orange;
Was read.
On motion by Mr. Henry,
The rule of the Senate was suspended, and the bill read a second time.
Mr. Goodenow moved to amend the bill, so as to extend its provisions to the county of Jefferson;
Which was agreed to.
Mr. Berry moved to amend the bill, so as to extend its provisions to the county of Franklin;
Which was agreed to.
Mr. Lane moved that the bill be referred to the committee on education;
Which was not agreed to.
Mr. Buell of Warren, moved to amend the bill, so as to extend its provisions to the county of Warren;
Which was agreed to.
Mr. Stanford moved to amend the bill, so as to include within its provisions the county of Henry;
Which was agreed to.
Mr. Wood moved to amend the bill, so as to extend its provisions to the county of Randolph;
Which was agreed to.
Mr. Jackson moved to amend the bill, so as to extend its provisions to the county of Madison;
Which was agreed to.
Mr. Alexander moved to amend the bill, so as to include in its provisions the county of Hendricks;
Which was agreed to.
Mr. Chapman of Daviess, moved to amend the bill, so as to extend its provisions to the county of Daviess;
Which was agreed to.
Mr. Reyburn moved to amend the bill, so as to extend its provisions to the county of Miami;
Which was agreed to.
Mr. Farmer moved to amend the bill, so as to extend its provisions to the counties of Monroe and Brown;
Which was agreed to.
Mr. Leviston moved to amend the bill, so as to include within its provisions the county of Union;
Which was agreed to.

On motion by Mr. Henry,
The rule of the Senate was suspended,
The bill read a third time, and passed.
Mr. Stanford moved to amend the title of the bill, as follows: Strike out all after the word "counties," and insert in lieu thereof, the words "therein named;"
Which was agreed to.
Ordered, That the Secretary inform the House of Representatives thereof, and ask their concurrence in the amendments of the Senate.
House bill,
No. 136. A bill extending the provisions of an act, entitled "An act to provide for the appointment of township assessors in certain counties therein named, and defining their duties," approved January 15, 1844, to the county of Clay;
Was read.
On motion by Mr. Akin,
The rule of the Senate was suspended,
The bill read a second and third times, and passed.
Ordered, That the Secretary inform the House of Representatives thereof.
House bill,
No. 137. A bill to restrict the grand jury in Franklin county, to a limited time in their sessions;
Contained in the foregoing message, was read, and,
On motion by Mr. Berry,
The rule of the Senate was suspended,
The bill read a second and third times, and passed.
House bill,
No. 139. A bill changing the election of school trustees in the counties of De Kalb and Steuben;
Was read, and,
On motion by Mr. Herriman,
The rule of the Senate was suspended,
The bill read a second and third times, and passed.
House bill,
No. 144. A bill for the relief of Cynthia Parks, widow of Alexander Parks, deceased;
Was read, and,
On motion by Mr. Carr,
The rule of the Senate was suspended,
The bill read a second and third times, and passed.
House bill,
No. 141. A bill to provide for a uniform mode of doing township business in Clay county;
Was read, and
On motion by Mr. Akin,
The rule of the Senate was suspended,
The bill read a second and third times, and passed.

House bill,
No. 147. A bill for the appointment of commissioners of reserved townships of land in the counties of Gibson and Monroe;
Was read, and
On motion by Mr. Farmer,
The rule of the Senate was suspended,
And the bill read a second and third times, and passed,
Ordered, That the Secretary inform the House of Representatives of the passage of said bills.
House bill,
No. 151. A bill declaring Deer creek in Perry county, a navigable stream;
Was read.
On motion by Mr. Cotton,
The rule of the Senate was suspended,
The bill read a second and third times, and passed.
Mr. Chapman of Laporte, moved to amend the title of the bill by striking out the words "navigable stream," and inserting in lieu thereof the words "public highway;"
Which was agreed to.
Ordered, That the Secretary inform the House of Representatives thereof, and ask their concurrence in the amendments of the Senate.
House bill,
No. 157. A bill to provide for issuing an execution to any county in this State, in certain cases;
Was read, and
On motion by Mr. Orth,
The rule of the Senate was suspended,
The bill read a second time and referred to the committee on the judiciary.
House bill,
No. 158. A bill to extend the time of holding the probate court in Montgomery county;
Was read.
On motion by Mr. Moore,
The rule of the Senate was suspended,
The bill read a second and third times, and passed.
Ordered, That the Secretary inform the House of Representatives thereof.
House bill,
No. 159. A bill to amend the second article of the forty-second chapter of the Revised Statutes of 1843;
Was read, and
On motion by Mr. Chapman of Laporte,
The rule of the Senate was suspended,
The bill read a second time and referred to the committee on the judiciary.
House bill,

No. 160. A bill to authorize the county treasurer of Dekalb county to apply certain State revenue in his hands;
Was read, and
On motion by Mr. Herriman,
The rule of the Senate was suspended,
The bill read a second time and referred to the committee on the judiciary.
House bill,
No. 209. A bill to regulate the jurisdiction of justices of the peace in the counties of Lake and Porter;
Was read.
On motion by Mr. Chapman of Laporte,
The rule of the Senate was suspended,
The bill read a second and third times, and passed.
House bill,
No. 399. A bill to vacate the town of Berlin in the county of Fayette;
Was read.
On motion by Mr. Leviston,
The rule of the Senate was suspended,
The bill read a second and third times, and passed.
House bill,
No. 396. A bill to improve the breed of horses in Jay county;
Was read.
On motion by Mr. Orth,
The rule of the Senate was suspended,
The bill read a second and third times, and passed.
House bill,
No. 394. A bill to change the name of the town of Faithful to Parkersburgh, in the county of Montgomery;
Was read, and
On motion by Mr. Moore,
The rule of the Senate was suspended,
The bill read a second and third times, and passed.
House bill,
No. 393. A bill reviving and amending a certain act entitled, "an act to compel speculators to pay a road tax equal to that paid by actual settlers," approved January 31, 1842;
Was read, and
On motion by Mr. Chapman by Laporte,
The rule of the Senate was suspended,
The bill read a second and third times, and passed.
Ordered, That the Secretary inform the House of Representatives of the passage of said bills.
House bill,
No. 397. A bill to do justice to the people of Martin County;
Was read, and
On motion by Mr. Chapman of Daviess,

The rule of the Senate was suspended,
The bill read a second time and referred to the committee on finance.
House bill,
No. 395. A bill in relation to road tax upon canal and school lands in the counties of Wabash and Miami;
Was read, and
On motion by Mr Dole,
The rule of the Senate was suspended,
The bill read a second time, and ordered to lie upon the table.
House bill,
No. 392. A bill to repeal the 93d section of the 2d article of the 53d chapter of the Revised Statutes of 1843, so far as the same relates to the county of Boone;
Was read.
On motion by Mr. Orth,
The rule of the Senate was suspended, and
The bill read a second time.
Mr. Dole moved to indefinitely postpone the further consideration of the bill;
Upon which,
The ayes and noes being desired by two Senators,

Those who voted in the affirmative are,

Messrs. Akin, Alexander, Bowers, Bradbury, Buell of Dearborn, Buell of Warren, Carr, Chapman of Daviess, Coffin, Cotton, Defrees, Dole, Duzan, Edmonson, Ewing, Goodenow, Hodge, Hutton, Jones, Lane, Leviston, Logan, Major, Moore, Morgan of Decatur, Morgan of Rush, Pennington, Reyburn, Rippey, Rockhill, Stanford, and Todd —32.

Those who voted in the negative are,

Messrs. Berry, Chapman of Laporte, Farmer, Hamer, Herriman, Kennedy, Miller, Orth, Parks, Read, Tannehill, and Wood—12.

So the further consideration of the bill was indefinitely postponed.
House bill,
No. 155. A memorial and joint resolution on the subject of the Cumberland road;
Was read.
On motion by Mr. Todd,
The rule of the Senate was suspended,
The joint resolution read a second and third times.
On motion by Mr. Chapman of Laporte,
Ordered, That the joint resolution lie upon the table.
House bill,

No. 389. A bill to locate a State road in the counties of Tippecanoe and Warren;

Was read.

On motion by Mr. Orth,

The rule of the Senate was suspended,

The bill read a second and third times, and passed.

House bill,

No. 388. A bill for the relief of the collector of Green county;

Was read, and

On motion by Mr. Allison,

The rule of the Senate was suspended,

The bill read a second and third times, and passed.

House bill,

No. 386. A bill to authorize the county commissioners of White county to grant license to clock pedlers;

Was read, and

On motion by Mr. Orth,

The rule of the Senate was suspended,

The bill read a second and third times, and passed.

Ordered, That the Secretary inform the House of Representatives of the passage of said bills.

House bill,

No. 384. A bill to provide for the binding of the laws and journals;

Was read.

On motion by Mr. Morgan of Rush,

The rule of the Senate was suspended,

And the bill read a second time.

Mr. Morgan of Rush moved to further suspend the rule of the Senate,

And read the bill a third time now;

Upon which,

The ayes and noes being desired by two Senators,

Those who voted in the affirmative are,

Messrs. Akin, Alexander, Allison, Bowers, Buell of Dearborn, Buell of Warren, Carr, Cotton, Defrees, Dole, Duzan, Edmonson, Ewing, Farmer, Goodenow, Hamer, Henry, Hodge, Holloway, Kennedy, Miller, Moore, Morgan of Decatur, Morgan of Rush, Orth, Read, Reyburn, Stanford, Tannehill, Todd and Wood—31.

Those who voted in the negative are,

Messrs. Chapman of Laporte, Herriman, Hutton, Jones, Leviston, Logan, Major, and Rippey—8.

So the rule of the Senate was suspended,

The bill read a third time, and passed.

Ordered, That the Secretary inform the House of Representatives thereof.

House bill,

No. 311. A bill to incorporate the President, Directors and Company of the Indianapolis and Andersontown canal company;

Was read, and,

On motion by Mr, Todd,

The rule of the Senate was suspended, the bill read a second time, and referred to the committee on corporations.

House bill,

No. 328. A bill for the relief of the heirs of Noah Noble, deceased;

Was read.

On motion by Mr. Orth,

The rule of the Senate was suspended, and the bill read a second time.

Mr. Todd moved to further suspend the rule of the Senate, and read the bill a third time now;

Upon which,

The ayes and noes being desired by two Senators,

Those who voted in the affirmative are,

Messrs. Akin, Alexander, Allison, Bradbury, Buell of Dearborn, Buell of Warren, Carr, Chapman of Daviess, Coffin, Cotton, Davis, Defrees, Dole, Ewing, Farmer, Goodenow, Henry, Hodge, Holloway, Hutton, Jackson, Jones, Moore, Morgan of Decatur, Morgan of Rush, Orth, Parks, Pennington, Reyburn, Stanford and Todd—31.

Those who voted in the negative are,

Messrs. Berry, Chapman of Laporte, Duzan, Edmonson, Hamer, Herriman, Kennedy, Lane, Leviston, Logan, Major, Miller, Read, Rippey, Ritchey, and Tannehill—16.

So the rule of the Senate was not suspended.

Ordered, That the bill pass to a third reading.

House bill,

No. 133. A bill to amend the 73d section of the 4th article of the fifteenth chapter of the Revised Statutes of 1843;

Was read, and,

On motion by Mr. Defrees,

The rule of the Senate was suspended, the bill read a second time, and referred to the committee on education.

A message from his Excellency the Governor, by T. Brown Kinder, Esq., his private secretary:

MR. PRESIDENT:

I am directed by His Excellency, the Governor, to bear to the Senate the accompanying communication, with a request that the President lay the same before the Senate:

EXECUTIVE DEPARTMENT,
January 11, 1845.

Gentlemen of the Senate:

I hereby nominate to you for appointment as Judges of the Supreme Court of Indiana, for the next constitutional term of office, commencing on the twenty-ninth day of January, 1845, Charles H. Test and Andrew Davidson, and respectfully ask your advice and consent to the same.

JAS. WHITCOMB.

On motion by Mr. Chapman of Laporte,

The Senate proceeded, with closed doors, to consider the above communication from his Excellency the Governor, and a division of the question was called for on the nominations therein submitted.

The question then recurred,

Will the Senate advise and consent to the appointment of Charles H. Test, as one of the Judges of the Supreme Court of Indiana, agreeably to the nomination?

The ayes and noes were desired by two Senators,

Those who voted in the affirmative are,

Messrs. Berry, Duzan, Edmonson, Herriman, Jackson, Jones, Kennedy, Lane, Leviston, Logan, Major, Read, Rippey, Ritchey, Tannehill, and Wood—16.

Those who voted in the negative are,

Messrs. Akin, Alexander, Allison, Bowers, Bradbury, Buell of Dearborn, Buell of Warren, Carr, Chapman of Daviess, Chapman of Laporte, Coffin, Cotton, Davis, Defrees, Dole, Ewing, Farmer, Goodenow, Hamer, Henry, Hodge, Holloway, Hutton, Miller, Moore, Morgan of Decatur, Morgan of Rush, Orth, Parks, Pennington, Reyburn, Rockhill, Stanford, and Todd—34.

So it was

Resolved, That the Senate do not advise and consent to the appointment of Charles H. Test, as one of the Judges of the Supreme Court of Indiana.

Ordered, That the Secretary lay said resolution before his Excellency the Governor.

The question then recurred,

Will the Senate advise and consent to the appointment of Andrew Davidson, as one of the Judges of the Supreme Court of Indiana, agreeably to the nomination?

The ayes and noes were desired by two Senators,

Those who voted in the affirmative are,

Messrs. Berry, Buell of Dearborn, Chapman of Daviess, Duzan, Edmonson, Herriman, Jackson, Jones, Kennedy, Lane, Leviston, Logan, Major, Miller, Parks, Read, Rippey, Ritchey, Tannehill and Wood—20.

Those who voted in the negative are,

Messrs. Akin, Alexander, Allison, Bowers, Bradbury, Buell of Warren, Carr, Chapman of Laporte, Coffin, Cotton, Davis, Defrees, Dole, Ewing, Farmer, Hamer, Henry, Hodge, Holloway, Hutton, Moore, Morgan of Decatur, Morgan of Rush, Orth, Pennington, Reyburn, Rockhill, Stanford and Todd—30.

So it was

Resolved, That the Senate do not advise and consent to the nomination of Andrew Davidson, as one of the judges of the Supreme Court of Indiana.

Ordered, That the Secretary lay said resolution before his Excellency the Governor.

Mr. Herriman moved to suspend the order of business, and proceed to consider in committee of the whole,

No. 380. A bill to raise a revenue for State purposes;

Which was agreed to.

The Senate went into committee of the whole, Mr. Herriman in the chair; and after spending some time therein,

The committee rose,

And through their chairman, reported,

That they had had said bill under consideration, and directed him to report the same back to the Senate with sundry amendments, in which they asked the concurrence of the Senate;

Which amendments are as follows:

1st. Strike out the word "fourteen" from section two, and insert in lieu thereof, the word "fifteen."

2d. Strike out the fourth section of the bill, and insert in lieu thereof the following words:

"That in addition to the above rate, there shall be levied and collected on each one hundred dollars of the value of all property entered for taxation as aforesaid, the following sums, to-wit: One cent for a lunatic asylum, five mills for a deaf and dumb asylum, and two mills for the education of the blind."

The question was then taken upon concurring in the amendments of the committee separately.

The ayes and noes being desired by two Senators,
Upon concurring in the first amendment,

Those who voted in the affirmative are,

Messrs. Akin, Alexander, Berry, Bowers, Bradbury, Buell of Warren, Carr, Chapman of Laporte, Coffin, Cotton, Davis, Defrees, Dole, Goodenow, Hamer, Herriman, Holloway, Hutton, Jones, Kennedy, Leviston, Moore, Morgan of Decatur, Morgan of Rush, Orth, Ritchey, Rockhill, Stanford, Todd, and Wood—30.

Those who voted in the negative are,

Messrs. Allison, Buell of Dearborn, Chapman of Daviess, Duzan, Edmonson, Ewing, Farmer, Henry, Hodge, Jackson, Lane, Logan, Major, Miller, Parks, Pennington, Read, Rippey, and Tannehill—19.

So the first amendment of the committee was concurred in.

Upon the question of concurring in the second amendment of the committee,

The ayes and noes were desired by two Senators,
And were as follows:

Those who voted in the affirmative are,

Messrs. Berry, Bowers, Bradbury, Buell of Warren, Carr, Chapman of Laporte, Coffin, Cotton, Davis, Defrees, Dole, Goodenow, Hamer, Herriman, Holloway, Hutton, Jackson, Jones, Kennedy, Leviston, Morgan of Rush, Orth, Rippey, Ritchey, Rockhill, Todd, and Wood—27.

Those who voted in the negative are,

Messrs. Akin, Alexander, Allison, Buell of Dearborn, Chapman of Daviess, Duzan, Edmonson, Ewing, Farmer, Henry, Hodge, Lane, Logan, Major, Miller, Moore, Morgan of Decatur, Parks, Pennington, Read, Stanford, and Tannehill—22.

So the second amendment was concurred in.

Mr. Hodge moved to amend the bill by striking from the fourth section the words "in addition to the," and insert "of the."

Upon which,

The ayes and noes being desired by two Senators,

Those who voted in the affirmative are,

Messrs. Akin, Buell of Dearborn, Chapman of Daviess, Duzan, Edmonson, Farmer, Henry, Hodge, Logan, Major, Miller, Moore, Morgan of Decatur, Parks, Pennington, and Stanford—16.

Those who voted in the negative are,

Messrs. Alexander, Allison, Bowers, Bradbury, Buell of Warren, Carr, Chapman of Laporte, Coffin, Cotton, Davis, Defrees, Dole, Ewing, Goodenow, Hamer, Herriman, Holloway, Hutton, Jackson, Jones, Kennedy, Lane, Leviston, Morgan of Rush, Orth, Read, Rippey, Ritchey, Rockhill, Stanford, Todd, and Wood—32.

So the amendment was not agreed to.

Mr. Defrees moved to amend the bill by striking from the first section the word "twenty," and inserting in lieu thereof the word "twenty-five."

Mr. Pennington moved to lay the amendment upon the table;

The ayes and noes being desired by two Senators,

Those who voted in the affirmative are,

Messrs. Akin, Alexander, Allison, Bowers, Buell of Dearborn, Carr, Chapman of Daviess, Coffin, Cotton, Duzan, Edmonson, Ewing, Farmer, Goodenow, Hamer, Henry, Herriman, Hodge, Hutton, Jackson, Jones, Kennedy, Lane, Leviston, Logan, Major, Miller, Moore, Parks, Pennington, Read, Reyburn, Rippey, Ritchey, Rockhill, Stanford, Tannehill, Todd, and Wood—39.

Those who voted in the negative are,

Messrs. Bradbury, Chapman of Laporte, Davis, Defrees, Dole, Holloway, Morgan of Decatur, Morgan of Rush, and Orth—9.

So the amendment was ordered to lie upon the table.

Mr. Defrees moved to amend the bill by striking from the first section the word "fifty," and inserting in lieu thereof the word "seventy-five."

Mr. Edmonson moved to lay the amendment upon the table.

The ayes and noes being desired by two Senators,

Those who voted in the affirmative are,

Messrs. Akin, Alexander, Allison, Bowers, Buell of Dearborn, Carr, Chapman of Daviess, Chapman of Laporte, Coffin, Cotton, Dole, Duzan, Edmonson, Ewing, Farmer, Goodenow, Hamer, Henry, Herriman, Hodge, Hutton, Jackson, Jones, Kennedy, Lane, Leviston, Logan, Major, Miller, Morgan of Decatur, Parks, Pennington, Read, Reyburn, Rippey, Ritchey, Rockhill, Stanford, Tannehill, Todd, and Wood—41.

Those who voted in the negative are,

Messrs. Bradbury, Buell of Warren, Defrees, Holloway, Moore Morgan of Rush, and Orth—7.

So the amendment was ordered to lie upon the table.

Mr. Henry moved to amend the bill so as to provide that 20 cents of the poll tax shall be applied to the purposes of common schools;

Which was not agreed to.

Mr. Ritchey moved to amend the bill by adding, as an additional section, the following words:

"Sec. —. In those counties in which no assessment was made by the county boards for the purpose of raising the sum of one cent on each hundred dollars for the erection of a lunatic asylum, as provided by the law of last session, it shall be the duty of the county boards to order the assessment and collection of the same with the taxes for the year 1845;"

Which was agreed to.

The bill was then read a third time and passed.

Ordered, That the Secretary inform the House of Representatives thereof and ask their concurrence in the amendments of the Senate.

Mr. Chapman of Laporte gave notice that, on Monday next, he would moved to rescind joint rule of the General Assembly No. 17, which is in the following words:

"No bill that shall have passed one House shall be sent for concurrence to the other on the last day of the session."

Message from the House of Representatives, by Mr. Farquhar, their Clerk:

MR. PRESIDENT:

The House of Representatives has passed an engrossed bill thereof, entitled:

No. 379. An act making general appropriations for the year 1845;

In which I am directed to ask respectfully the concurrence of the Senate.

House bill,

No. 379. A bill making general appropriations for the year 1845,

Contained in the message,

Was read, and,

On motion by Mr. Pennington,

The rule of the Senate was suspended, and the bill read a second time.

Mr. Chapman of Laporte moved to amend the bill by striking out the appropriation for the erection of the new State prison.

The ayes and noes being desired by two Senators,

Those who voted in the affirmative are,

Messrs. Allison, Bradbury, Buell of Dearborn, Buell of Warren, Chapman of Laporte, Coffin, Cotton, Davis, Defrees, Dole, Duzan,

Edmonson, Ewing, Farmer, Goodenow, Henry, Herriman, Hodge, Holloway, Hutton, Jackson, Jones, Kennedy, Major, Moore, Morgan of Decatur, Morgan of Rush, Orth, Parks, Pennington, Rippey, Rockhill, Stanford, Tannehill, Todd, and Wood—36.

Those who voted in the negative are,

Messrs. Akin, Alexander, Berry, Bowers, Carr, Chapman of Daviess, Hamer, Lane, Leviston, Logan, Miller, and Read—12.

So the bill was so amended.

Mr. Herriman moved to amend the bill by adding, in lieu of the words just stricken out, the words, "and five thousand dollars for the erection of the new State Prison;"

Which was not agreed to.

Mr. Stanford moved to amend the bill by adding after the word "Librarian" the words "three hundred dollars of which shall be appropriated to the purchase of books for the State Library, and two hundred dollars for the salary of the Librarian;"

Which was agreed to.

The bill was then read a third time and passed.

Ordered, That the Secretary inform the House of Representatives thereof, and ask their concurrence in the amendments of the Senate.

On motion by Mr. Chapman of Laporte,

The Senate adjourned.

2 *o'clock*, *P. M.*

The Senate assembled.

Message from the House of Representatives by Mr. Farquhar, their clerk:

MR. PRESIDENT:

The House of Representatives have passed engrossed bill of the Senate, entitled

No. 152. An act to incorporate the Lafayette and Ohio turnpike company;

With an amendment thereto;

In which amendment the concurrence of the Senate is respectfully requested.

Ordered, That the amendment of the House be concurred in.

Mr. Cotton, from a select committee, submitted the following report:

MR. PRESIDENT:

The select committee appointed under a resolution of the Senate in the following words:

"*Resolved*, That a select committee be instructed to inquire into the expediency of redeeming our State bonds, at their par value, (exclusive of interest,) by giving to the holders of said bonds in lieu thereof, State scrip of the denomination of five dollars, bearing interest of one quarter of one per cent., and payable —— years after date, and receivable in payment of State taxes, with the exception of —— per cent., to be reserved and paid in cash to defray the expenses of the State; and that they report by bill or otherwise;"

Now submit their report.

The committee have taken the subject matter of said resolution into serious consideration. The subject is one of great and increasing interest to the people of Indiana. They universally entertain the opinion expressed by his Excellency, the Governor, to the General Assembly in his annual message at the commencement of the present session, with regard to their inability to discharge the public debt. The committee are fully satisfied that in the embarrassed condition our of monetary affairs, and the severe depression under which the country has for some time past labored, we cannot now, by direct taxation, raise sufficient means to meet the annually accruing interest upon our liabilities. A few years since, no member of the confederacy of American States, seemed to possess, in a larger degree, the elements of prosperity, or to afford more encouraging prospects of becoming a flourishing commonwealth, than did the State of Indiana. A system of policy adopted in the year 1835—'36, in connection with the peculiar condition of the country, has led to a lamentable reverse in our affairs. Instead, however, of giving way to a repining spirit or surrendering our hopes in unavailing despair, your committee deem it the dictate alike of true courage and provident caution, to survey the difficulties and to adopt such measures as may be suited to the exigency. In their opinion, a regard should be had to the honor of the State and its liability to meet its engagements.

The committee believe that the public debt of Indiana amounts to about $13,349,500. It is contended by some that a portion of this debt was contracted by agents of the State, who, in disposing of the bonds, did not comply with the provisions of the act authorizing their sale. The committee do not feel disposed at this time to enter into a discussion of this controverted subject. They have placed the above sum as the amount which will cover the whole liabilities of the State, incurred on account of internal improvement system, with the exception of about $400,000 of outstanding treasury notes, which will be absorbed by the payment of taxes, and the scrip issued to pay the bank for advancements made to the internal improvement commissioners. The sinking fund will, in a short time, cancel the scrip.

The debt of the State is evidenced by bonds or certificates of stock issued from time to time, as the necessity for means to prosecute our public works required. The faith of the State was solemnly pledged to redeem them and to discharge the interest which was annually due.

The credit of Indiana, based upon a belief of the integrity of her people and a knowledge of her ample and expanding resources, was such as to enable her to dispose of her bonds on advantageous terms. There was a demand for them in the money market, and a higher rate of premium was given for them than for any bonds issued by the western States. The Legislature, in the opinion of the committee, fell into a fatal error in not making immediate legal provision to raise, by taxation, the amount of interest that became due upon our bonds as they were issued; it would have reminded the people of the vast and oppressive burden they were entailing on themselves and children, and would no doubt have checked the wild and reckless spirit that had taken possession of the public mind. As soon as we became unable to borrow principal to pay interest, our bonds immediately fell in their value, and now have but a nominal price in the money market.

These bonds are not yet due. The holders are anxious to realize something for them. The continued failure on the part of the State to make provision by law to meet the interest, has and will depress them below their ostensible value. The committee would gladly see an altered state of things when the interest would be promptly paid, and the whole debt eventually discharged; but in the existing condition of the people such arrangement cannot be made.

The committee believe that the arrangement indicated in the resolution, is the only one which is within the compass of the ability of the State to make. The bonds not being due, and having a certain value in the estimation of moneyed men, like other transferable certificates of stock, they believe that the State could purchase them without any way impeaching her credit, or affording just ground for reproach.

The treasury notes should be made receivable for taxes. This will maintain to some extent their value and augment the circulating medium of the State.

The committee do not deem it necessary to consider the question of the constitutionality of the proposed emission. It was elaborately discussed some years since in both branches of the General Assembly, when a bill was pending to provide for the issue of treasury notes to meet the debts to contractors. The committee conceive that the question has been settled by the highest judicial authority, by a concurrence of sentiment in the other branches of the government, and the general understanding of the people. They cannot be justly considered bills of credit, in the constitutional acceptation of the form, but merely evidences of a subsisting debt.

The committee are of opinion then, that the proposition indicated

in the resolution, should be made to our creditors. We cannot pay the interest, our creditors do not expect it; but on the other hand, are satisfied that they must inevitably sustain a loss upon our bonds. By an issue of notes which can be made available to pay taxes, we shall be able, should our creditors accede to the arrangement, to make an equitable and satisfactory disposition of our debt.

If we make every reasonable effort within our power to discharge the obligations resting upon us, we shall have the consoling reflection that our straitened condition will entail upon us no reproach, or sully the fair fame we have inherited from our fathers, and which we yet sustain in the sisterhood of American States.

A certain per centage of the taxes should be collected in par funds. The General Assembly at its last session, passed an act reducing the salary of the Governor of State and the other public functionaries. The compensation we allow to our judges and other officers of State is now as limited as that paid by almost any State in the Union, and far less than in many of them. We think that the current expenses of the State should be paid in par funds, and to secure the means necessary to accomplish the object, the committee regard a per centage of about ——— ——— will be sufficient.

The undersigned, a minority of the select committee, dissent from all that part of the report of the majority, which recommends an issue of treasury notes for the purpose of redeeming State bonds.

JOHN F. CARR,
JOSEPH LANE.

The committee have directed me to report the accompanying bill, No. 269. A bill for the relief of the people of the State of Indiana;

Which was read, and

On motion by Mr. Cotton,

The rule of the Senate was suspended, the bill read a second time, and ordered to lie upon the table.

Mr. Bradbury presented the petition of sundry citizens of Wayne and the adjoining counties, praying a repeal of the law imposing a penalty on any person refusing to take an oath or affirmation;

Which was ordered to lie on the table.

Mr. Chapman of Daviess, from a select committee, submitted the following report:

MR. PRESIDENT:

The select committee, to which was referred bill of the House of Representatives, No. 150, entitled, a bill to improve the navigation of Lost river, have, according to order, had the same under consideration, and have directed me to report the same back to the Senate, and recommend its passage.

On motion by Mr. Chapman of Daviess,

The rule of the Senate was suspended,

The bill read a third time and passed.

Ordered, That the Secretary inform the House of Representatives thereof.

Leave being granted,

No. 270. A bill to vacate Canal street, in Lockport, Carroll county;

Which was read, and,

On motion by Mr. Major,

The rule of the Senate was suspended,

The bill read a second and third times, and passed.

Ordered, That the Secretary inform the House of Representatives thereof and ask their concurrence.

Mr. Bowers, on behalf of the minority of the select committee, [committee on claims] on the subject of the memorial of George H. Dunn, Esq., late Treasurer of State, submitted the following report:

MR. PRESIDENT:

The minority of the committee on claims, to which was referred the memorial of George H. Dunn, late Treasurer of State, and the accompanying documents, beg leave to report that they agree with the majority in the bill presented, but fail to perceive the necessity or propriety of the report which accompanies it.

At an early period of the session, Mr. Dunn presented his memorial, stating that when he came to transfer his office last spring, he unexpectedly found the cash on hand not to agree with the amount required by the books of the office, in about the sum of $11,000, which sum he had been compelled to raise out of his private funds and place in the Treasury; that he caused such investigations to be made as his time and opportunity offered, and was still unable to account for the discrepancy, except that there was some reason to believe that the money might have been destroyed last winter when the committee of ways and means destroyed a large amount—over one million of dollars—of treasury notes and scrip which had been counted and cancelled at the Treasury.

In proof of such loss, in addition to the testimony of Mr. Dunn, Mr. Mooney and Dr. Reed, members of the committee last year, certify to the fact that some treasury notes or scrip were destroyed which had not been cancelled by the committee. To understand the effect of this proof, it is proper to state that the committee, after counting the treasury notes redeemed at the Treasury, cancelled the same by punching round holes through them, and then giving the Treasurer a certificate of the amount. It was the intention of the committee to destroy all that had been so cancelled, and they certified to the Treasurer that they did destroy the full amount. Yet it appears, when the Treasurer's office came to be transferred, there was found over $60,000 of scrip so cancelled, and which should

have been destroyed, while the other funds in the office fell short in the amount before stated.

Investigations continued to be made into the business and books of the office, which had not resulted in any thing satisfactory, until since the presentation of his memorial, an error was discovered which entitled Mr. Dunn to a credit of $5,610 58, thus reducing the amount deficient to a little over $5,000.

In his memorial Mr. Dunn states his object in presenting the subject to the Legislature to be, that he may not be precluded by the settlement he has made, from hereafter obtaining relief, if circumstances shall show him entitled to it, and that the money he has paid into the Treasury may not be destroyed until further investigations can be had. Such investigations he intended to pursue, and if the money was destroyed, as he supposed, it would most likely be shown when the scrip came in to be cancelled.

Under the circumstances of the case, the committee unanimously agreed to report the bill which accompanies the majority report. That bill proposes to give to Mr. Dunn a credit for the $5,610 58, which he is entitled to. It directs that the settlement of his accounts shall remain open for a reasonable time, to allow of further investigations to be made, and that he be authorized to perpetuate testimony on the subject of the loss of the scrip, as has been stated; such evidence to be used in any future application that might be made on that subject.

Such being the bill reported, it seems strange to the minority that the report which accompanies the bill should mainly be filled with arguments showing that its provisions are unnecessary. Thus, the majority state that, "they could not arrive at the conclusion that the loss referred to in his memorial could have occurred by any of the means therein contemplated, nor can they conceive that any force or plausibility is added to Mr. Dunn's conjectures by the communication of Messrs. Bowles and Mooney." Why, then, postpone the settlement of the matter, and allow of testimony to be taken on the subject, as provided for in the bill?

In the view of the minority, it seems very clear that the statements of the gentlemen referred to do give *plausibility* to the suggestion that the loss may have occurred as stated.

It cannot be doubted that some money was destroyed which should have been preserved, and that some was left which should have been destroyed. The members of the committee of ways and means state that the mistake could not have occurred with them, that they cancelled all the scrip that they counted. If so, then the cancelled and uncancelled scrip must have got mingled in the office, and some been improperly destroyed, thus resulting in a loss to the Treasurer.

The majority report seems principally designed to prove Mr. Dunn to have been a very careless officer, that he did very wrong in not disclosing this matter much sooner than he did, and that he introduced a very erroneous practice in his office, of giving what the

majority call "informal receipts." All of these are questions not very pertinent to the matter in hand, which was, whether certain treasury notes had been improperly destroyed. In connection with all these matters there were circumstances explained to the committee which should have been kept in view and placed side by side with the charges.

As to the want of caution exhibited in the destruction of the treasury notes, it was an error common to both Mr. Dunn and the committee of ways and means. Mr. Dunn does not seek to avoid it on his part; yet it is well known that Mr. Dunn, for nearly two years of his official term, was almost entirely withdrawn from his office by the attention required upon the revision of the Statutes. It is also known that the press of business upon the Treasurer's office at the close of the session of the General Assembly (which was the time when these notes were destroyed) is exceedingly great, it being also the time when collectors are bringing in the revenue; and Mr. Dunn states that such was the pressing nature of his engagements that he did not find time to bring the paper out of the vault before the committee came to take it away for destruction. Mr. Dunn states that but for these circumstances the packages would have been opened and their contents examined. But supposing that every care had been taken to keep them to themselves, nothing more was done than to count their number and examine the marks on the backs. It is truly unfortunate that a more particular examination had not been made, and none should regret it more than Mr. Dunn, as he only is the sufferer.

Then as to the censure because the deficit was not disclosed until the present session of the General Assembly! Why should it have been made earlier? When did the investigations into the books and transactions of the office, which were kept up by Mr. Dunn, cease, and he conclude that the deficit could not be accounted for by some error in the books? Even during the present session these investigations have been continued, and results obtained varying the amount of loss. Until these were completed, it would have been premature to have published anything on the subject. That errors were alleged to exist must have been known to all the officers of State, because of the investigations making in the offices in the endeavor to discover them. Then it is all-sufficient that when satisfied of the result, Mr. Dunn promptly advanced the sum necessary to keep his account good, without unnecessarily parading the matter before the public.

The majority of the committee censure Mr. Dunn for giving what they call informal receipts, and the report carries out the impression that he originated the practice. As to that point, no evidence was before the committee. But the nature and cause of giving these informal receipts should have been stated, as it was disclosed before the committee, that the Senate might judge of the propriety or impropriety of the practice.

The only instance in which this practice occurred as appeared before the committee, was in regard to receipts of revenue from collectors, and in regard to the payment of State bonds, made by certain mortgagors to the Lawrenceburgh and Indianapolis rail road company. In the cases of collectors, the law required that when they paid Treasury notes into the treasury, they should file an affidavit, stating, that the amount so paid in had by them been collected for State revenue. Now it frequently happened that collectors would forward to the Treasury, sums of money in advance of their final settlements. These sums would be sent up by members of the legislature and others, and not accompanied with the requisite affidavit: the Treasurer of State had either to refuse to receive the money at all, or to give a final receipt for it, which would credit the collector at the Auditor's office, without his making the affidavit which the law required, or to do what he did do, to allow the money to be deposited with him, and give a conditional receipt, that when the proper affidavit was filed, the money should be carried to the collector's credit, and a full receipt given. These receipts were kept by the collector until they came to make their final settlement, and then, on their surrender and making affidavit, the amount was carried to their credit, and a final receipt given.

Now the minority can see nothing to censure in this course. It would have been very inconvenient to have compelled persons bringing this money to send it back, or to keep it in their possession, subject to great risks, until the collectors should come up. It would have been improper to have considered it a payment, and placed it on the regular books of the Treasury, until the law requiring the affidavit was complied with; and if under the circumstances, individuals preferred making the deposit with the Treasurer, to keeping the money in their own possession, it was a matter entirely their own, and not one that at all concerned the public.

Some few of these certificates remained outstanding when Mr. Dunn's term of office expired, and he handed over the sums so left with him, to his successor, who has taken up the certificates as presented on the proper affidavits being made, and given his own final receipt therefor.

In case of the mortgagors of the Lawrenceburgh and Indianapolis rail road company, the law which authorized the payment of those mortgages in State bonds placed two conditions upon the payment: 1st. That it should be of bonds for which the State had received full consideration; 2d. That no mortgage should be paid or discharged until all were paid. The whole debt was $221,000. Under this law, about $180,000 of State bonds were paid to the Treasurer of State. He found it a very difficult question to determine, whether many of these were of the description required by the act; so also, he was prohibited from giving a full receipt until all had been paid in. He therefore gave certificates, specifying the number, dates, &c., of the bonds placed in his hands, specifying that final receipts should

be given when the character of the bonds had been determined by the committee of ways and means, and when the whole debt should be paid up. These payments were reported by the Treasurer to the next General Assembly, and a committee requested to examine them; they were so examined and accepted; since then, those mortgages which were not paid, or new security given on, were foreclosed, and the property sold, and the loss thereby sustained assessed upon the other mortgagors; and now, as these mortgagors produce the certificates of the bonds they filed with the former Treasurer, and pay up their proportion of losses, they receive a final receipt and discharge.

The minority fail to perceive any wrong in this. What would the majority have the Treasurer do? Should he have received the bonds *absolutely* as they were offered, and discharged the persons paying? That would have been directly contrary to the law. Should he have refused to receive them until examined by a committee, and thus compelled the mortgagors to attend for that purpose? Not then could he have received them, and carried the payment on his books to the credit of the payer, because all the others were not ready to pay. We think he took the only reasonable course he could take; and the matter was submitted to the General Assembly at the time, and no disapprobation expressed about it.

The report of the majority would seem to carry the impression that the books of the Treasurer's office do not show these payments made to him, for which his informal receipts are outstanding.

It is true that the final registers of receipts do not show them, and for the reasons stated, but that regular books are kept in the Treasurer's office, showing these payments on the Lawrenceburgh and Indianapolis rail road account, cannot be denied; and from these books the schedule stated in the majority report was taken, showing the number and amount of the receipts yet outstanding; and just such a schedule could have been made from those books at one time as well as another. Your committee therefore think that the entire censure of the majority, as well as that *implied* by the Auditor, in the extract of his report set out in that of the majority, would have been withheld, if all the circumstances had been duly weighed.

Your committee exceedingly regret the use of certain terms in the majority report, such as "*Mr. Dunn's defalcation*," "his *acknowledged delinquency*," &c., &c., which are frequently repeated. Surely such terms ought not to be applied to one who so promptly placed in the Treasury the full amount for which he was chargeable.

If the majority base these allegations upon the ground that the deposite was not made as soon as Mr. Dunn left the office last spring, surely some time should be allowed to examine whether and how the error existed. Such examinations, were pursued by Mr. Dunn, as time and opportunity afforded until this session, and have been continued since, and resulted (since his payment,) in showing that he is entitled to receive back over $5,000 of the amount he so deposited.

Under such circumstances, he could not justly be branded in this way as a defaulter.

The minority also complain, that the nature of the application made by Mr. Dunn, is not correctly stated in the majority report. It holds out the idea that Mr. Dunn, in his memorial, *requests to be allowed to withdraw the deposite he had made in the State Treasury.* Mr. Dunn has made no such request: he has not asked to be relieved from his difficulty; neither have his friends on the committee; but some members were in favor of allowing Mr. Dunn to withdraw his deposite, giving his bond with security to refund the amount; and your committee cannot perceive how any injustice would be done thereby.

The majority reason thus: That if the loss Mr. Dunn complains of should have occurred in the improper destruction of the Treasury notes as stated, yet the coming in of that paper, when all redeemed at the Treasury, would throw no light on the subject, as much and large amounts of that kind of paper will be lost in circulation. However this reason may apply to the old scrip, which has been some time in circulation, it cannot avail as to the other kinds, which do not circulate generally, and are not therefore subject to like risks; and from the statement of Mr. Mooney, it is more than probable that the lost scrip is of this description. At any rate, the minority deem it improper now to prejudge the case. They think the judgment of a subsequent legislature may be safely trusted, and need not therefore be forestalled upon the subject in this way.

H. J. BOWERS.
W. G. COFFIN.

I concur in the above, except so much as relates to withdrawing the funds.

T. R. STANFORD.
DENNIS PENNINGTON.

Mr. Duzan, from the joint committee on enrolled bills, submitted the following report:

MR. PRESIDENT:

The joint committee on enrolled bills did, on the 11th instant, present to his Excellency the Governor, for his approbation and signature, the following enrolled bills of the Senate, to-wit:

No. 20. An act to authorize the board of commissioners of Marion county to settle with John Elder, late surplus revenue agent, and for other purposes;

No. 12. An act to repeal a certain act therein named;

No. 115. An act to amend an act, entitled, an act to incorporate the city of New Albany, and to repeal all laws now in force incorporating the town of New Albany, approved Feb. 14, 1839;

No. 103. An act to incorporate the Mechanics' Institute at Lafayette, in the county of Tippecanoe.

Message from the House of Representatives, by Mr. Farquhar, their Clerk:

MR. PRESIDENT:

The House of Representatives has concurred in the engrossed amendments of the Senate to an engrossed bill of the House, entitled:

No. 156. An act for the relief of Milton Stapp.

A message from the House of Representatives, by Mr. Farquhar, their clerk:

MR. PRESIDENT:

The House of Representatives has passed, without amendment, engrossed bills of the Senate, as follows:

No. 160. An act to authorize the revaluation of school lands in Crawford county;

No. 164. An act in relation to the county auditor and treasurer of Elkhart county;

No. 168. An act to amend an act to incorporate the College Corner and Liberty turnpike company, and the Liberty and Abington turnpike company," approved January 15, 1844;

No. 173. An act to amend the law regulating liens upon boats, &c.;

No. 179. An act to incorporate the Silver creek bridge company;

No. 180. An act to repeal part of an act entitled, "An act to change the mode of doing county business in the counties of Warrick and Dubois," approved February 11, 1843;

No. 183. An act to legalize the proceedings of Stephens Casey;

No. 186. An act to incorporate the Noland's Fork canal company;

No. 190. An act abolishing the office of county auditor in the county of Blackford;

No. 192. An act to establish a free turnpike road in the county of Adams;

No. 195. An act authorizing Joseph Quinn and James Norvell to erect toll bridges;

No. 204. An act for the relief of the purchasers of Seminary lands in Monroe county;

No. 213. An act amendatory of an act, entitled "an act to incorporate the Monroe county Female Seminary," approved January 22, 1833;

No. 217. An act to incorporate the Valparaiso turnpike company;

No. 218. An act relative to overseers of the poor, in Ripley county;

No. 225. An act to divide the county of Dearborn into county commissioner's districts.

Message from the House of Representatives, by Mr. Farquhar, their clerk:

MR. PRESIDENT:

The House of Representatives has passed, without amendment, engrossed bills of the Senate as follows:

No. 128. An act to amend an act to incorporate the University of Notre Dame du Lac, at South Bend, in St. Joseph, Indiana;

No. 140. An act repealing certain acts relative to the establishment of bank districts;

No. 144. An act to continue in force an act entitled "an act to incorporate the Brookville and Richmond canal company," approved February 17, 1838;

No. 147. An act to change the name of Muncietown;

No. 148. An act to locate a certain State road therein named in Orange county;

No. 150. An act for the relief of the heirs and devisees of Francis Grodfroy, deceased;

No. 152. An act to incorporate the Lafayette and Ohio turnpike company;

No. 157. An providing for the distribution of the road tax paid into the State Treasury by the several branches of the State Bank;

No. 159. An act to locate a State road in the counties of Martin and Orange;

No. 214. An act to amend an act entitled, "An act to incorporate the Cambridge City and Venice Turnpike Company;"

No. 227. An act authorizing a change in the application of water power at dam No. 1, near the forks of the Wabash;

No. 241. An act for the benefit of the clerk of St. Joseph county;

No. 244. An act in relation to water power on the Wabash and Erie canal;

No. 254. An act to grant new trials in certain cases therein named.

Mr. Ritchey, chairman of the committee on finance, submitted the following report:

MR. PRESIDENT:

The committee on finance to whom was referred a bill of the House of Representatives,

No. 59. Entitled, A bill authorizing the State Treasurer to receive certain Treasury notes, and for other purposes;

After mature reflection, have directed me to report the bill back to the Senate and respectfully recommend its passage.

On motion by Mr. Ritchey,

The rule of the Senate was suspended,

The bill read a third time and passed.

Ordered, That the Secretary inform the House of Representatives thereof.

Mr. Ritchey, chairman of the committee on finance submitted the following report:

MR. PRESIDENT:

The committee on finance to whom was referred a bill of the House of Representatives,

No. 189. Entitled, A bill to extend the time to the collectors of Bartholomew and Delaware counties to settle the State and county revenue of said counties for the year 1844;

After having considered the same, have directed me to return the bill to the Senate, and without making any recommendation in reference to it, ask to be discharged from its further consideration.

Ordered, That the committee be discharged accordingly.

Mr. Ritchey, chairman of the committee on finance, submitted the following report:

MR. PRESIDENT:

The committee on finance to whom was referred a resolution of the Senate, together with several communications from the Treasurer of State, on the subject of exchanging one-fourth of one per cent. Treasury notes for those bearing six per cent., after deliberating upon the subject, have directed me to report, that owing to the lateness of the session and the importance of the subject, legislation is deemed inexpedient during the present session, they therefore ask to be discharged from the further consideration.

Ordered, That the report of the committee be concurred in, and they discharged from the further consideration of the subject.

Mr. Ritchey, chairman of the committee on finance, submitted the following report:

MR. PRESIDENT:

The committee on finance to whom was referred a bill of the House of Representatives,

No. 265. Entitled, a bill for the relief of purchasers of Saline lands in Orange county;

Have had the same under consideration and directed me to report that, as applications have been frequently made from various parts of the State for similar relief and on account of the danger of the precedent, it has been deemed inexpedient to grant the relief sought for, the bill should be indefinitely postponed.

Ordered, That the report of the committee be concurred in,

And the further consideration of the bill be indefinitely postponed.

Mr. Chapman, chairman of the committee on the judiciary, submitted the following report:

MR. PRESIDENT:

The committee on the judiciary to whom was referred bill of the House of Representatives,

No. 221. A bill in relation to proceedings upon writs of ad quod damnum;

Have had the same under consideration and have directed me to report the same back with one amendment, and upon the adoption thereof to recommend its passage.

Strike out all after the words "may be given by," in the second section and insert the following:

"Advertising the same in some public newspaper of general circulation, printed and published in the county in which such proceedings are pending, if any such there be, and if not then in the newspaper nearest thereto for three weeks successively, at least sixty days prior to the holding of such inquest.

Ordered, That the amendment of the committee be concurred in.

On motion by Mr. Chapman of Laporte,

The rule of the Senate was suspended,

The bill read a third time and passed.

Ordered, That the Secretary inform the House of Representatives thereof, and ask their concurrence in the amendment of the Senate.

Mr. Duzan, from the committee on enrolled bills, submitted the following report:

MR. PRESIDENT:

The committee on enrolled bills have compared the following enrolled with engrossed bills of the Senate and have found the same correctly enrolled, to-wit:

No. 234. An act to grant new trials in certain cases therein named;

No. 181. An act to incorporate the Lafayette bridge company;

No. 39. An act to amend an act entitled "an act for the benefit of persons who are likely to suffer by the destruction of the records of Miami county by fire, and to provide for the election of a commissioner to restore said records.

Mr. Davis, from the committee on enrolled bills, made the following report:

MR. PRESIDENT:

The committee on enrolled bills have compared the following enrolled with the engrossed bills of the Senate, viz:

No. 165. An act to amend an act entitled, "an act for the relief of Benoni Stinson and George W. Miller, trustees of school district No. 4, in Vanderburgh county;

No. 196. An act for the relief of the administrators of John Sims, deceased, late of Morgan county, and for the benefit of the creditors of the said John Sims, deceased;

No. 246. An act to amend an act entitled "an act to incorporate the Buffalo and Mississippi railroad company, approved February 6, 1835," and all acts amendatory thereto.

No. 208. An act to extend the terms of the Montgomery Probate court:

No. 202. An act for the relief of Elijah Reeves;

No. 222. An act to vacate part of the town of Numa, in the county of Parke;

No. 226. An act authorizing the president and council of the town of Lawrenceburgh to subscribe for and take part of the capital stock of the Lawrenceburgh and Napoleon turnpike company;

No. 210. An act to extend the time of payment to purchasers of school lands and borrowers of the school fund;

No. 200. An act for the relief of Alfred Miles and Mary Miles;

And find the same correctly enrolled.

Message from His Excellency the Governor, by T. Brown Kinder, Esq., his Private Secretary:

MR. PRESIDENT:

I am instructed by His Excellency, the Governor, to inform the Senate that he has this day approved and signed the following acts:

No. 215. An act authorizing a company to construct a turnpike road from Cambridge City to Muncietown;

No. 87. An act supplemental to an act entitled "an act relative to the water power at Northport in Noble county, approved January 21, 1843;"

No. 143. An act for the relief of Millens Loomer;

No. 118. An act to incorporate the Elkhart brass band;

No. 149. An act to change the mode of doing county business in the county of Parke;

No. 205. An act for the relief of Priscilla Lazenby and others;

No. 25. A joint resolution relative to postage;

No. 187. An act to change the mode of doing county business in the county of Washington;

No. 232. An act to locate a State road in Jay and Blackford counties;

No. 35. An act to change the name of Cornelia Minerva Nevins to Cornelia Minerva Warner;

No. 74. An act providing compensation to supervisors of roads and highways;

No. 12. An act to repeal a certain act therein named;

No. 103. An act to incorporate the Mechanics' Institute, at Lafayette, in the county of Tippecanoe;

No. 115. An act to amend an act entitled, "An act to incorporate the city of New Albany, and to repeal all laws now in force incorporating the town of New Albany," approved February 14, 1839;

No. 20. An act to authorize the board of commissioners of Marion county to settle with John Elder, late surplus revenue agent, and for other purposes;

No. 254. An act to grant new trials in certain cases therein named.

All of which originated in the Senate.

Mr. Chapman of Laporte, chairman of the committee on the judiciary, submitted the following report:

MR. PRESIDENT:

The committee on the judiciary, to whom was referred bill of the Senate No. 263, "A bill for the relief of George W. Woodall," have had the same under consideration, and have directed me to report that they have no particular objection to the objects of said bill, but that it is so defective in form as well as substance, that they recommend its indefinite postponement.

Ordered, That the report of the committee be concurred in, and the further consideration of the bill be indefinitely postponed.

Mr. Rockhill, chairman of the committee on elections, submitted the following report:

MR. PRESIDENT:

The committee on elections, to whom was referred the certificates of the newly elected members of this Senate, have examined the same, and find upon such examination the following named persons were duly elected members of this body on the first Monday in August last, in pursuance of the laws of this State, from the following counties, to-wit:

From the counties of Allen, Huntington, Wells, and Adams—Wm. Rockhill.

From the county of Clark—James G. Read.

From the counties of Elkhart, Kosciusko, and Whitley—Mathew Rippey.

From the counties of Gibson, Pike, and Dubois—Benjamin R. Edmonson.

From the county of Jefferson—Samuel Goodenow.

From the county of Lawrence—Hugh Hamer.

From the county of Morgan—Parmenter M. Parks.

From the counties of Madison and Hancock—Andrew Jackson.

From the counties of Owen and Greene—John F. Allison.

From the counties of Orange and Crawford—Huston Miller.

From the county of Parke—William G. Coffin.

From the county of Ripley—Henry J. Bowers.

From the county of Rush—Jesse Morgan.

From the county of Switzerland—David Henry.

From the county of Vermillion—William P. Dole.

From the county of Wayne—Abner M. Bradbury and David P. Holloway.

From the county of Washington—Ezekiel D. Logan.

Your committee further report that at a special election held in the counties of Daviess and Martin on the fourth day of November, A. D. 1844, for the purpose of electing a Senator to fill the vacancy occasioned by the death of Hon. Abner Davis, Elijah Chapman was elected to fill the aforesaid vacancy, and appears with a certificate signed by the sheriffs of said counties.

Ordered, That the report lie upon the table.

Mr. Rockhill, chairman of the committee on elections, submitted the following report:

MR. PRESIDENT:

The committee on elections, to whom was referred the bill of the House of Representatives No. 116, entitled, "A bill to authorize the citizens of the counties therein named to elect a county surveyor," have, according to order, had the same under consideration, and directed me to report the bill back to the Senate, without amendment, and recommend its passage.

Mr. Todd moved to so amend the bill as to exclude from its operation the county of Marion;

Which was agreed to.

On motion by Mr. Orth,

Ordered, That the bill lie upon the table.

Mr. Rockhill, chairman of the committee on elections, submitted the following report:

MR. PRESIDENT:

The committee on elections, to whom was referred bill of the House of Representatives No. 186, entitled, "A bill requiring an enumera-

tion of the white male inhabitants of this State," have had the same under consideration, and directed me to report it back to the Senate, without amendment, and recommend its passage.

On motion by Mr. Rockhill,
The rule of the Senate was suspended,
The bill read a third time and passed.
Ordered, That the Secretary inform the House of Representatives thereof.
Leave being granted,
Mr. Chapman of Laporte, from a select committee, submitted the following report:

MR. PRESIDENT:

The select committee to whom was referred bill of the House of Representatives,
No. 222. A bill to amend an act to provide for the continuance of the construction of all or any part of the public works of this State by private companies, and for abolishing the board of internal improvements, and the offices of fund commissioner and chief engineer, approved January 28, 1842;
Have had the same under consideration, and have directed me to report the same back, with three amendments, and upon their adoption, to recommend the passage thereof.

First. Add the following proviso to the first section:
"*Provided*, Such interest shall not exceed the rate of seven per cent. per annum."
Second. Strike out the words "fifteen years from and after the completion of said road to the town of Indianapolis," and insert in lieu thereof the following words: "Eighteen years from and after the first day of July next."
Third. Strike out all after the word "twenty," in the fifth section, and insert in lieu thereof the following words: "Three years from and after the first day of July next."

Mr. Morgan of Decatur moved a call of the Senate;
Which was ordered.
The Secretary proceeded to call the roll and reported the absentees;
Who were sent for.
And having made their appearance,
On motion by Mr. Parks,
The further call of the Senate was suspended.
Mr. Herriman moved to concur in the report of the committee with the following amendment:
SEC. 7. *Be it further enacted*, That Henry L. Ellsworth, Elias L. Beard and Company be, and they are hereby accepted, appointed, and agreed to, as contractors to construct and complete the whole

of the Wabash and Erie canal from the Ohio State line to Terre Haute in the State of Indiana, upon the terms and conditions, and within the times hereinafter specified, upon the said Henry L. Ellsworth, Elias L. Beard, and the other members of said company entering into bond with sufficient sureties, to be approved of by the Treasurer of State, in the penal sum of two hundred thousand dollars, conditioned for the faithful performance of their duties and obligations, specified in this act to be performed by them, and for the payment to the State, within sixty days after the same shall be received by them, of all moneys that shall come into their hands, belonging to and to be paid into the State Treasury; which bond shall be filed in the office of the State Treasurer, and whenever violated in any particular, suits shall be brought thereon against the obligors for such violation, and no amendment of this act, nor any alteration in the terms of this contract, shall avoid the same as to any of the principals or sureties therein.
SEC. 8. It shall be the duty of the said Henry L. Ellsworth, Elias L. Beard and Company, as such contractors, to entirely complete and finish the said Wabash and Erie canal from Lafayette to Covington, and put the same in navigable order, and in use and operation as a canal, for the free use of all persons who may wish to navigate and use the same, paying the lawful tolls and charges thereon, on or before the first day of September in the present year (eighteen hundred and forty-five), and to further complete and finish the same, in like manner and for like use, to Coal creek, in Fountain county, on or before the first day of June, in the year eighteen hundred and forty-six, and further to complete and finish the same, in like manner and for like use, to Terre Haute, in Vigo county, on or before the first day of July, eighteen hundred and forty-eight, upon the ground and line upon which the said canal is now laid out and located, and of the size, depth, and dimensions now provided for by law, or hereafter to be by the proper officer of State or other legal authority directed and appointed: And also to make and construct three side cut canals, connecting the said main canal with the Wabash river, one thereof at Clinton, in Vermillion county, one at Perrysville, in the same county, and one at Williamsport, in Warren county, and all sufficient locks, gates, and bridges thereon, of such size and dimensions, and in such manner, and at such particular points, as the superintendent appointed by the State shall direct and appoint: And to build, construct, make, and completely finish, all and every necessary locks, abutments, piers, and aqueducts, upon the whole line of said canal, and upon said side cut canals, of good and substantial cut stone masonry: And also to build, construct, and make good and sufficient locks, abutments, piers, and aqueducts upon the eastern division of said canal, east of Lafayette, as the same shall be necessary to supply the present locks, abutments, piers, and aqueducts, now constructed and being thereon, so as not to interfere with the navigation thereof, of good and substantial stone masonry: And also to construct and

make all and every necessary dam or dams, feeders and culverts, and bridges over State and county roads, and streets of towns, and to make and gravel the towing path of the whole of said canal, and to keep the said canal, and every part thereof, in the whole length thereof, from the Ohio State line to Terre Haute, and all the side cut canals and feeders connected therewith, and every, dam, lock, abutment, bridge, pier, culvert, aqueduct, and every other building, construction, and other matter and thing appurtenant to said canal and side cuts and feeders in good, substantial, and useful order and repair, so that the same may be at all proper and ordinary times available for navigable purposes, and when the same shall be released from this contract, shall leave the same in good order and condition; and shall also make, construct, and completely finish, in good navigable order, a feeder to said canal, from Northport, in Noble county, to the said Wabash and Erie canal at Fort Wayne, of the like size and dimensions of the said canal, under the directions of the superintendent hereinafter appointed by the State to take charge of the Wabash and Erie canal, within four years after the time appointed for the completion of the work upon the same west of Lafayette to Terre Haute; all of which matters and things the said contractors shall do and perform according to the specifications of said canals, except as herein excepted, and all other matters and things which the superintendent appointed by the State for this work shall direct and require to be done fully to complete and finish the whole of said canal, under the direction of the said superintendent hereinafter directed to be appointed by the State, to take charge and direction of said canal: The said contractors, Henry L. Ellsworth and Elias L. Beard and Co., shall maintain and keep up proper houses and offices for the agent and officers of said canal, as now provided by law, and shall also pay to the superintendent a salary of one thousand dollars per year, and to the other officers and agents of the State upon said canal, or that shall hereafter become necessary, the salaries provided by law: or if the same shall be paid out of the State Treasury, or moneys which would otherwise come therein, shall be chargeable with the same: And also the said Ellsworth, Beard and Co. shall maintain and continue in full force and effect, and shall carry out and fully complete, each and every contract heretofore made by the State through its officers, and now existing, for the performance of work upon, and completion or construction of, any part of said canal, or anything appertaining thereto, so as fully to maintain and protect the faith and credit of the State therein: And shall be fully authorized and empowered to contract and agree with each and every contractor now employed thereon and contracted with by the State, for the performance of work as aforesaid, so as to release the State from any and all future liabilities upon such contracts, and assume the responsibility thereof upon themselves, and thereafter to do and perform and pay for the completion of said work, labor, and contracts, at their own expense, all and every act, performance, and

payment which the State is now bound to do and perform and pay; all of which matters and things work, labor, and performance, for the whole and entire completion of the said Wabash and Erie canal and feeder, throughout the whole extent thereof, herein provided to be done by the said Ellsworth, Beard & Co., they, the said Ellsworth, Beard & Co., shall do and perform, and pay, at their own proper cost, charge, and expense, and at such prices and for such amount of compensation as shall be fixed by the superintendents: *Provided*, That the said locks, abutments, piers, and aqueducts, or any portion and all of said canal within this State, now constructed, or hereafter to be constructed of wood, and all of which are herein provided to be rebuilt by the said contractors of cut stone masonry, shall be constructed and finished within ten years, if the said canal shall not before that time be released and discharged from this contract; and if the same shall, by the provisions of this act, be sooner released and discharged, then, and in such case, the said contractors shall sooner, and before the same shall be released, complete the said locks, abutments, piers, and aqueducts, so that the same, when released and returned to the State, shall be in good order and repair: And the said superintendent shall direct and require the construction thereof, at such times as will be of most advantage to the State, taking into consideration the revenue of said canal.

Sec. 9. That from and after the time when the said contractors shall have filed their bond with sureties as aforesaid, in the office of the Treasurer of State, all the tolls, water rents, revenue and income arising from said Wabash and Erie canal and navigable feeder, shall be set apart and appropriated for the payment and satisfaction of said Ellsworth, Beard & Co., for the performance of the matters and things in this act provided to be done by them, for the completion of said canal, and the same shall be paid to them in the manner hereinafter provided.

Sec. 10. It shall be the duty of the superintendent hereinafter provided to be appointed by the State for this canal, to make out an estimate of the amount of work done by said Ellsworth, Beard & Co., after the filing their bond and commencing their contract as aforesaid, at the expiration of each month, and immediately to give to said contractors orders upon the collectors of tolls for the amount found due to them, deducting ten per cent. thereon at every such estimate, until said canal shall be completed to Terre Haute. And the said collectors of toll shall thereupon pay to said contractors the amount of such orders out of any money in their hands arising from the sources named in the third section of this act. And after the said canal shall be fully completed and in operation, it shall be the duty of the said superintendent to draw orders upon the said collectors in favor of said contractors for the whole amount of such revenue in their hands, including the ten per cent. therefrom withheld from payment, deducting only the amount necessary to make any repair or perform any work herein provided there to be performed and

necessary to be done: *Provided*, That said superintendent shall settle and pay up by such drafts in full, to said contractors, upon the completion of said canal to each of the points named in the first section of this act.

Sec. 11. That the revenues of said canal shall in such manner at all times be paid to the contractors, and the whole is hereby for that purpose appropriated, until the said contractors shall have received the whole amount of their necessary expenditures incurred in the completion of the said canal and feeder, in the manner by this act provided, and also the further sum of one hundred thousand dollars over and above such expenditures, and as soon as the said amount shall have been received by the said contractors, all further payments to them shall cease, and thereafter the whole revenues of the said canal shall be paid into the State Treasury.

Sec. 12. It shall be the duty of the superintendent hereinafter provided to be appointed on the part of the State to take charge of said canal, to keep a full and correct account of all work done by said contractors, and all expenses legally incurred by them in the completion of said canal and feeder under this act, and of all payments made to them therefor, and render an account thereof to the legislature during the first week of its session in each year; and as soon as said contractors shall have been reimbursed for all their expenditures therein, and shall have received the further sum of one hundred thousand dollars over and above such expenditures, then, and in such case, to cause further payments to them to cease; and said superintendent shall then take the whole charge, direction and control of expenditures upon said canal, for the benefit of the State, under the laws now in force regulating the same after completion.

Sec. 13. That from and after the filing their bond as aforesaid in the Treasurer's office, the whole of said Wabash and Erie canal and Northport feeder, subject to the rights of contractors now thereon, (according to the terms and provisions of this act,) shall be deemed and taken as within this contract, and all work and repairs thereon, as the same shall be directed by the State superintendent hereinafter provided to be appointed, shall be done by the said Ellsworth, Beard & Co., and at their own proper expense; and the duties of all the officers and agents of State, and all the salaries thereof shall cease, and all laws and parts of laws providing for the construction thereof not contemplated by this act, or for the election or appointment of a superintendent, commissioner or engineer, or any other officers not by this act contemplated and required on said work, shall be, and the same are by this act repealed.

Sec. 14. That there shall be a superintendent of the said canal and feeder, appointed by the Governor, by and with the advice and consent of the Senate, at the present session of the General Assembly, who shall be a competent practical engineer, and who shall hold his office for two years, and until his successor shall be appointed and qualified; and any person so appointed, who shall wilfully violate the duties of his office, or shall be guilty of corruption therein, or shall not be a competent, scientific, practical engineer, shall be removed from office, for either of said causes, upon conviction upon a writ of quo warranto, to be sued out of the circuit court of Marion county, by any person interested, or upon address of the legislature by the Governor of the State; and all vacancies happening in the recess of the legislature, shall be filled until the next session of the General Assembly, by appointment by the Governor.

Sec. 15. That from and after the appointment of said superintendent as aforesaid, and the filing their bond by the said Ellsworth, Beard & Co. as aforesaid, he shall have the whole control and direction of the Wabash and Erie canal and feeder, and all work and expenditure thereon, under this act and the contract herein made, or under any other law whatever; and shall receive for his services a compensation of one thousand dollars per year, to be paid out of the revenue arising from the said canal, and shall appoint all collectors, engineers, and other officers necessary to carry out the provisions of this act, and in connection with the said contractors, or any two thereof, shall fix their salaries and compensation.

Sec. 16. That from and after the taking effect of this act, there shall not be any further or other issue of canal land scrip of any description whatever, nor any of the lands appropriated to the construction of said canal sold, in any manner whatever, except by private entry at the present valuation thereof, for the redemption of scrip heretofore issued; and the superintendent herein appointed shall take charge of the same, and the land offices for the sale thereof, and all papers relating and belonging thereto; and thereafter all of the said lands not sold for the redemption of land scrip heretofore issued, shall be and remain forever appropriated, for the payment of the debts heretofore incurred by the State in the construction of said canal.

Sec. 17. That in the account of expenses by the said contractors in the completion of the canal and feeder, and the payments therefor, to be kept and made by the said superintendent to ascertain the whole amount necessary to reimburse said contractors, and to discharge the said canal from this contract, it shall be the duty of the said superintendent, to credit said contractors with interest on the balance found to exist of expenditures over receipts at the expiration of each year.

Sec. 18. It shall be the duty of the said Ellsworth, Beard & Co. to file their bond for the faithful performance of all the duties contemplated by this act, in the manner hereinbefore prescribed in the office of the Treasurer of State, on or before the first day of May next, and the same shall not be void for want of form, but shall be taken and construed according to the intent and meaning herein contemplated; and when any suit shall be brought thereon, no defect therein shall prevent the State receiving all damage that it may

have sustained by reason of the non-performance of any act to be done or performed by the said contractors under this act, and the filing of the bond aforesaid by the said Ellsworth, Beard & Co., shall be taken and held to be the assent and agreement of the said parties to the provisions and duties imposed upon them by this act, and upon such filing of said bond in the said Treasurer's office, this act in relation to said canal, shall take effect and be in force, and not otherwise.

Sec. 19. That in fixing and ascertaining the amount and value of work done and materials furnished by said contractors, the said superintendent shall be governed, in all work heretofore let upon contract, by the contract price therefor, or the estimates originally made for the same, unless under circumstances not foreseen at the time the same was made; and in case of disagreement on the part of said contractors to any determination of said superintendent, of the value of any such work done or materials furnished, the said contractors shall appoint some disinterested person to assist said superintendent to decide the same, whose charges and expenses for such services shall be paid by said contractors; and if the said superintendent and such person appointed by the contractors cannot agree, they shall choose an umpire, to aid in the decision thereof, and the decision of such three persons, or a majority of them, shall be final in the premises.

Sec. 20. The said contractors, by the acceptance of this contract and filing their bond as aforesaid, agree and bind themselves to complete the said canal and feeder, and keep the same in repair, and do and perform all other matters contemplated by this act, at their own cost and expense, and to receive as compensation therefor the revenues to arise from the canal and feeder as aforesaid, to be paid in manner aforesaid, and during the time aforesaid, and no other or different or further compensation or remuneration whatever, and so that the lands heretofore granted to the State for the construction of said canal, shall be wholly and entirely hereafter freed therefrom, and may be disposed of by the State, without any future reference to the construction of said canal.

Sec. 21. Within sixty days after the taking effect of this act it shall be the duty of the present general superintendent of the Wabash and Erie canal to settle up the accounts of said canal, distinguishing the accounts of the Eastern and Western divisions thereof, and showing the precise situation of each division, and the contracts now existing on each division, and the accounts of each contractor with the State, and how much has been paid on each contract, and how much is still due to each contractor for work done, up to the time of the taking effect of this act, and how much canal land scrip has been issued and is yet outstanding upon said contracts, and how much land has been sold, and how much is yet unsold. Which account the said commissioner shall settle with the Treasurer of State, and a copy of which settlement he shall deliver, certified by

the Treasurer of State to the superintendent appointed by this act, and for this service the said commissioner shall receive a compensation for said time in proportion to his present salary.

Sec. 22. It shall be the duty of the superintendent herein provided to be appointed, upon the taking effect of this act in relation to this canal, to ascertain the amount of work yet and thereafter to be done on the unfinished portions of said canal heretofore let out to contractors, and thereafter to charge said Ellsworth, Beard & Co. with the payment of so much thereof, and for the purpose aforesaid, and for carrying on the work under this bill, said superintendent shall have the right to appoint as many engineers and agents under him as shall be necessary, not to exceed one corps. Also, to appoint a competent person to be clerk in his own office to keep the books and accounts thereof, provided that no salary of any such appointed shall exceed the sum of five hundred dollars; the expenses of all which to be paid by said contractors.

Sec. 23. That the whole of said canal and feeder, finished and unfinished, during the whole continuation of this contract, shall be under the exclusive control of the State. And it shall be lawful for the General Assembly to fix and adjust the rate of tolls, charges and water rents thereon from time to time as to them shall seem proper: *Provided*, The same be not reduced to any amount less than the tolls which may be charged on the Ohio portion of said canal, except upon corn, beef, pork, lard, salt, flour, and bacon, the tolls upon which articles may at any time be reduced fifty per cent. below the amount which shall be charged on the said Ohio portion of said canal.

Sec. 24. It shall be the duty of the said superintendent to appoint some suitable person or persons, not exceeding two, at salaries as now provided by law, who shall take charge of the Canal Land Office, and attend to the entry and sale of land therein, under the laws now existing, and who shall report their sales and the receipt of scrip, and pay over the same monthly to the Treasurer of State; and the said superintendent shall retain the said officers at their present location, or shall remove them to such point or points as shall seem most convenient for the sales of land and the interest of the State.

Sec. 25. The said contractors, Ellsworth, Beard & Co., in the prosecution of their contract and construction of said canal and feeder under this act, shall be governed by the laws now existing, and entitled to the rights and privileges given by the laws now in force, providing for the construction of said canal.

Sec. 26. The said superintendent appointed by this act shall be required to take an oath or affirmation faithfully to perform the duties of his office, and shall also give bond in the sum of five thousand dollars, for the performance of his duties, to be approved of by the Treasurer of State.

Sec. 27. That the said Ellsworth, Beard & Co. shall be at liberty and be authorized, instead of filing the bond provided for in the

eighth section of this act, to secure the state in the performance of their contract, to file in the office of the said Treasurer of State, at the time provided for the filing of the said bond, the bonds of the State of Indiana heretofore issued, and for which the State has obtained consideration, to the amount of four hundred thousand dollars, which bonds, when so filed, shall be taken and held by the State in security for the faithful performance of their said contract; and when by suit or otherwise damages shall be sustained and recovered against the said contractors, the said bonds, or any part thereof, shall be sold by the said Treasurer, upon three weeks' public notice thereof being given in some newspaper published in Indianapolis, to make the said damages.

SEC. 28. That if the said contractors, Ellsworth, Beard & Co., shall fail to file their bond as provided by this act, or shall at any time abandon the said work before completion according to the provisions of this act, that then the superintendent of the said canal shall proceed to construct the same under the laws now in force for the construction thereof.

SEC. 29. That any company or corporation to whom has been or shall hereafter be granted the right to construct and finish any of the public works of this State under any law now in force, shall be authorized in their discretion to construct the character of work originally intended, or any other kind of work which, in their opinion, will better subserve the public interest, and be within the power of said company to complete.

Mr. Morgan of Decatur, moved to lay the bill and amendments upon the table;

Which was not agreed to.

Mr. Chapman of Laporte, moved to lay the mendment upon the table;

Which was not agreed to.

The question then recurring on the motion by Mr. Herriman to concur in the report of the committee with the amendment proposed by him;

The ayes and noes were desired by two Senators,

And were as follows:

Those who voted in the affirmative are,

Messrs. Akin, Buell of Dearborn, Buell of Warren, Chapman of Daviess, Coffin, Davis, Dole, Edmonson, Herriman, Hutton, Lane, Leviston, Logan, Major, Miller, Moore, Morgan of Decatur, Orth, Rippey, and Rockhill—20.

Those who voted in the negative are,

Messrs. Alexander, Allison, Bowers, Bradbury, Carr, Chapman of Laporte, Cotton, Defrees, Duzan, Ewing, Farmer, Goodenow,

Hamer, Henry, Hodge, Holloway, Jackson, Jones, Kennedy, Morgan of Rush, Parks, Pennington, Read, Reyburn, Ritchey, Stanford, Tannehill, Todd, and Wood—29.

So the motion was disagreed to.

The question then being,

"Will the Senate concur in the report of the committee?"

The ayes and noes being desired by two Senators,

Those who voted in the affirmative are,

Messrs. Akin, Alexander, Allison, Bowers, Bradbury, Buell of Warren, Carr, Chapman of Laporte, Coffin, Cotton, Defrees, Dole, Duzan, Goodenow, Holloway, Jackson, Jones, Kennedy, Lane, Leviston, Moore, Morgan of Decatur, Morgan of Rush, Orth, Parks, Pennington, Reyburn, Ritchey, Stanford, Tannehill, Todd, and Wood—32.

Those who voted in the negative are,

Messrs. Buell of Dearborn, Chapman of Daviess, Davis, Edmonson, Hamer, Henry, Herriman, Hodge, Hutton, Logan, Major, Miller, Read, Rippey, and Rockhill—15.

So the report of the committee was concurred in, and the amendments adopted.

Mr. Buell of Dearborn, moved to amend the bill by striking out all of the third section before the word "provided."

The ayes and noes being desired by two Senators,

Those who voted in the affirmative are,

Messrs. Allison, Buell of Dearborn, Chapman of Daviess, Davis, Edmonson, Ewing, Farmer, Hamer, Henry, Herriman, Hutton, Lane, Logan, Major, Miller, Moore, Morgan of Decatur, Morgan of Rush, Orth, Pennington, Reyburn, Rippey, Rockhill, and Stanford—24.

Those who voted in the negative are,

Messrs. Akin, Alexander, Bowers, Bradbury, Buell of Warren, Carr, Chapman of Laporte, Coffin, Cotton, Defrees, Dole, Duzan, Goodenow, Hodge, Holloway, Jackson, Jones, Kennedy, Leviston, Parks, Read, Ritchey, Tannehill, Todd, and Wood—25.

So the amendment was not agreed to.

Mr. Bowers moved the previous question;

Which was not seconded.

Mr. Davis moved to amend the bill by adding, as an additional section, the following words:

SEC. —. The Legislature hereby reserves the right to alter or amend the charter, to which this act is an amendment, at any time.

Upon which,

The ayes and noes being desired by two Senators,

Those who voted in the affirmative are,

Messrs. Allison, Berry, Buell of Dearborn, Carr, Chapman of Daviess, Davis, Duzan, Edmonson, Hamer, Henry, Herriman, Hutton, Lane, Logan, Major, Miller, Moore, Morgan of Decatur, Morgan of Rush, Orth, Read, Rippey, Rockhill, and Stanford—24.

Those who voted in the negative are,

Messrs. Akin, Alexander, Bowers, Bradbury, Buell of Warren, Chapman of Laporte, Coffin, Cotton, Defrees, Dole, Ewing, Farmer, Goodenow, Hodge, Holloway, Jackson, Jones, Kennedy, Leviston, Parks, Pennington, Reyburn, Ritchey, Tannehill, Todd, and Wood—26.

So the amendment was not agreed to.

Mr. Buell of Dearborn, moved to refer the bill to the committee on corporations;

Upon which,

The ayes and noes were desired by two Senators,

And were as follows:

Those who voted in the affirmative are,

Messrs. Allison, Buell of Dearborn, Chapman of Daviess, Davis, Edmonson, Ewing, Farmer, Hamer, Henry, Herriman, Hutton, Lane, Logan, Major, Miller, Moore, Morgan of Decatur, Morgan of Rush, Orth, Rippey, and Stanford—21.

Those who voted in the negative are,

Messrs. Akin, Alexander, Bowers, Bradbury, Buell of Warren, Carr, Chapman of Laporte, Coffin, Cotton, Defrees, Dole, Duzan, Goodenow, Hodge, Holloway, Jackson, Jones, Kennedy, Leviston, Parks, Pennington, Read, Reyburn, Ritchey, Rockhill, Tannehill, Todd, and Wood—28.

So the motion was not agreed to.

Mr. Chapman of Laporte, moved to suspend the rule of the Senate, and read the bill a third time now;

Upon which,

The ayes and noes being desired by two Senators,

Those who voted in the affirmative are,

Messrs. Akin, Alexander, Allison, Bowers, Bradbury, Buell of Warren, Carr, Chapman of Daviess, Chapman of Laporte, Coffin, Defrees, Dole, Duzan, Goodenow, Hodge, Holloway, Jackson, Jones, Kennedy, Leviston, Parks, Read, Reyburn, Ritchey, Tannehill, Todd, and Wood—27.

Those who voted in the negative are,

Messrs. Buell of Dearborn, Cotton, Davis, Edmonson, Ewing, Farmer, Hamer, Henry, Herriman, Hutton, Lane, Logan, Major, Miller, Moore, Morgan of Decatur, Morgan of Rush, Orth, Pennington, Rippey, Rockhill, and Stanford—22.

So the rule of the Senate was suspended and the bill read a third time;

And the question being,

Shall the bill pass?

The ayes and noes being desired by two Senators,

Those who voted in the affirmative are,

Messrs. Akin, Alexander, Allison, Bowers, Bradbury, Buell of Warren, Chapman of Daviess, Chapman of Laporte, Coffin, Defrees, Dole, Duzan, Goodenow, Hodge, Holloway, Jackson, Jones, Kennedy, Lane, Parks, Reyburn, Ritchey, Rockhill, Tannehill, Todd, and Wood—26.

Those who voted in the negative are,

Messrs. Buell of Dearborn, Carr, Cotton, Davis, Edmonson, Ewing, Farmer, Hamer, Henry, Herriman, Hutton, Leviston, Logan, Major, Miller, Moore, Morgan of Decatur, Morgan of Rush, Pennington, Read, Rippey, and Stanford—22.

So the bill passed.

Mr. Morgan of Decatur, moved to amend the title of the bill by striking out all after the word "bill," and inserting in lieu thereof the following words:

"To give to the Madison and Indianapolis railroad company the interest of the State in the road for eight years."

Mr. Ewing moved to lay the proposed amendment upon the table;

Which was agreed to.

Mr. Coffin moved to reconsider the vote on bill of the House

No. 379. A bill making general appropriations for the year 1845;

Which was not agreed to.

Mr. Chapman of Laporte, chairman of the committee on the judiciary, submitted the following report:

MR. PRESIDENT:

The committee on the judiciary, to whom was referred bill of the Senate

No. 252. A bill defining how sites for water power shall be paid for on the Wabash and Erie canal;

Have had the same under consideration, and have directed me to report the same back, with two amendments, and upon their adoption, to recommend the passage of the bill.

First. Strike out all after the enacting clause and insert the following:

"That hereafter all water rents arising upon the Wabash and Erie canal, and becoming due and payable to the State of Indiana, shall be paid in specie or its equivalent.

"Sec. 2. All purchasers of real estate, made by the proper authothority for the State of Indiana, for the purpose of enabling the State or her lessees to use the water power on or about the Wabash and Erie canal, or any of the side cuts or feeders thereof, shall be paid for out of the first moneys arising from the rents of the premises so purchased, and the water power used thereon.

"Sec. 3. No purchase of real estate for the purposes aforesaid shall be made unless the person or persons from whom the same is purchased, shall make to said State of Indiana a good and sufficient deed in fee simple for the same, free and clear of and from all incumbrances.

"This act to be in force from and after its passage."

Second. Amend the title so as to read.

"A bill in relation to water power and rents upon the Wabash and Erie canal."

Mr. Orth moved to lay the report and bill upon the table.

The ayes and noes being desired by two Senators,

Those who voted in the affirmative are,

Messrs. Akin, Allison, Buell of Warren, Chapman of Daviess, Cotton, Defrees, Dole, Hamer, Hutton, Jones, Lane, Moore, Orth, Reyburn, Rockhill, and Wood—16.

Those who voted in the negative are,

Messrs. Alexander, Berry, Bowers, Bradbury, Buell of Dearborn, Carr, Chapman of Laporte, Davis, Duzan, Edmonson, Ewing, Farmer, Goodenow, Henry, Herriman, Hodge, Holloway, Jackson, Kennedy, Leviston, Major, Morgan of Decatur, Morgan of Rush, Parks, Pennington, Read, Rippey, Ritchey, Stanford, and Todd—31.

So the report and bill were not ordered to lie upon the table.

Mr. Dole moved to concur in the report of the committee with the following amendment:

"Strike out from the first section so much thereof as requires payment in specie or its equivalent."

Mr. Morgan of Rush moved to lay the motion to concur with the amendment to the amendment of the committee upon the table;

Which was agreed to.

The question then recurred upon concurring in the report of the committee.

The ayes and noes being desired by two Senators,

Those who voted in the affirmative are,

Messrs. Alexander, Berry, Bowers, Buell of Dearborn, Carr, Chapman of Laporte, Davis, Duzan, Edmonson, Ewing, Farmer, Henry, Herriman, Hodge, Holloway, Jackson, Kennedy, Leviston, Major, Morgan of Decatur, Morgan of Rush, Pennington, Read, Rippey, Ritchey, Stanford, and Tannehill—27.

Those who voted in the negative are,

Messrs. Akin, Allison, Buell of Warren, Chapman of Daviess, Cotton, Defrees, Dole, Hamer, Hutton, Jones, Lane, Moore, Orth, Rockhill, Todd, and Wood—16.

So the report of the committee was concurred in.

Mr. Chapman of Laporte moved to suspend the rule of the Senate and read the bill a third time now.

The ayes and noes being desired by two Senators,

Those who voted in the affirmative are,

Messrs. Alexander, Berry, Bowers, Buell of Dearborn, Carr, Chapman of Laporte, Davis, Duzan, Edmonson, Ewing, Farmer, Goodenow, Henry, Hodge, Holloway, Jackson, Leviston, Major, Morgan of Decatur, Morgan of Rush, Pennington, Rippey, Ritchey, Stanford, and Tannehill—25.

Those who voted in the negative are,

Messrs. Akin, Allison, Buell of Warren, Chapman of Daviess, Defrees, Dole, Hamer, Herriman, Hutton, Jones, Kennedy, Lane, Moore, Orth, Read, Reyburn, Rockhill, Todd, and Wood—19.

So the rule was suspended and the bill read a third time.

And the question being,

"Shall the bill pass?"

The ayes and noes were desired by two Senators,

And were as follows:

Those who voted in the affirmative are,

Messrs. Alexander, Berry, Bowers, Buell of Dearborn, Carr, Chapman of Laporte, Davis, Duzan, Edmonson, Ewing, Goodenow, Henry, Hodge, Holloway, Jackson, Leviston, Major, Morgan of Decatur, Morgan of Rush, Pennington, Read, Rippey, Ritchey, Stanford, and Tannehill—25.

Those who voted in the negative are,

Messrs. Akin, Allison, Buell of Warren, Chapman of Daviess, Defrees, Dole, Hamer, Herriman, Hutton, Jones, Kennedy, Lane, Moore, Orth, Reyburn, Rockhill, Todd, and Wood—18.

So the bill passed.

Ordered, That the Secretary inform the House of Representatives thereof, and ask their concurrence.

Mr. Lane moved to suspend the order of business to enable him to offer a resolution.

Upon which,

The ayes and noes being desired by two Senators,

Those who voted in the affirmative are,

Messrs. Akin, Allison, Buell of Dearborn, Buell of Warren, Chapman of Daviess, Davis, Dole, Edmonson, Farmer, Hamer, Herriman, Hutton, Jones, Lane, Leviston, Major, Moore, Morgan of Decatur, Morgan of Rush, Orth, Read, Rippey, Rockhill, and Stanford—24.

Those who voted in the negative are,

Messrs. Bowers, Duzan, Ewing, Goodenow, Henry, Hodge, Holloway, Jackson, Pennington, Reyburn, and Todd—11.

So the order of business was suspended.

Mr. Lane submitted the following resolution:

Resolved, That the Secretary of the Senate be directed to ask respectfully of the House of Representatives to return a message containing a bill entitled,

"A bill to amend an act to provide for the continuance of the construction of all or any part of the public works of this State by private companies, and for abolishing the board of internal improvement and the offices of fund commissioner and chief engineer, approved January 28, 1842.

Mr. Defrees moved that the Senate now adjourn;

Which was not agreed to.

Mr. Defrees moved a call of the Senate;

Which was not agreed to.

Mr. Todd moved that the Senate do now adjourn.

Upon which,

The ayes and noes being desired by two Senators,

Those who voted in the affirmative are,

Messrs. Alexander, Bowers, Defrees, Duzan, Ewing, Goodenow, Hodge, Holloway, Jackson, Kennedy, Read, Reyburn, Ritchey, Tannehill, Todd, and Wood—16.

Those who voted in the negative are,

Messrs. Akin, Allison, Berry, Buell of Dearborn, Buell of Warren, Carr, Chapman of Daviess, Cotton, Davis, Dole, Edmonson, Farmer, Hamer, Henry, Herriman, Hutton, Jones, Lane, Major, Moore, Morgan of Decatur, Morgan of Rush, Orth, Pennington, Rippey, Rockhill, and Stanford—27.

So the Senate did not adjourn.

Mr. Lane moved the previous question;

Which was seconded by the Senate.

And on the question,

"Shall the main question be now put?"

The ayes and noes being desired by two Senators,

Those who voted in the affirmative are,

Messrs. Akin, Allison, Berry, Buell of Dearborn, Buell of Warren, Carr, Chapman of Daviess, Davis, Dole, Edmonson, Farmer, Hamer, Herriman, Hutton, Jones, Lane, Leviston, Major, Moore, Morgan of Decatur, Morgan of Rush, Orth, Parks, Rippey, Rockhill, and Stanford—26.

Those who voted in the negative are,

Messrs. Alexander, Cotton, Duzan, Henry, Holloway, Jackson, and Pennington—7.

No quorum voting.

Mr. Jones moved a call of the Senate;

Which was not agreed to.

The question then recurring,

Shall the main question be now put?

The ayes and noes being desired by two Senators,

Those who voted in the affirmative are,

Messrs. Akin, Allison, Berry, Buell of Dearborn, Buell of Warren, Carr, Chapman of Daviess, Davis, Dole, Edmonson, Farmer, Hamer, Henry, Herriman, Hutton, Jackson, Jones, Lane, Leviston, Major,

Moore, Morgan of Decatur, Morgan of Rush, Orth, Pennington, Rippey, Rockhill, and Stanford—28.

Those who voted in the negative are,

Messrs. Alexander, Cotton, and Duzan.

No quorum voting.

Mr. Jones moved a call of the Senate;
Which was ordered.
The Secretary proceeded to call the roll and reported the absentees.
On motion by Mr. Orth,
The further call was suspended.
And the question recurring,
Shall the main question be now put?
The ayes and noes were desired by two Senators,
And were as follows:

Those who voted the affirmative are,

Messrs. Akin, Allison, Berry, Buell of Dearborn, Buell of Warren, Carr, Chapman of Daviess, Davis, Dole, Edmonson, Farmer, Hamer, Henry, Herriman, Hutton, Jones, Lane, Leviston, Major, Moore, Morgan of Decatur, Morgan of Rush, Orth, Pennington, Rippey, Rockhill, and Stanford—27.

Those who voted in the negative are,

Messrs. Alexander and Cotton—2.

No quorum voting.
On motion by Mr. Lane,
The Senate adjourned.

MONDAY MORNING, JANUARY 13, 1845.

The Senate assembled.

On motion by Mr. Stanford,
The reading of the journal of the preceding day was dispensed with.
Leave being granted,
Mr. Pennington, chairman of the committee on public buildings, submitted the following report:

MR. PRESIDENT:

The committee on public buildings, to whom was referred the report of the State Agent for the town of Indianapolis, and as such, keeper of the State House, have had the same under mature consideration, and find there has been expended, under the law of the last session of the General Assembly, eleven hundred and nine dollars and forty-seven and a quarter cents. James Whitcomb, William Sheets, and Nathan B. Palmer were appointed to superintend the covering of the State House, but the two latter refusing or neglecting to serve, the duty devolved upon the State Librarian, who acted in conjunction with his Excellency, the Governor.

Nearly one third of the roof is now covered with tin, and as it was concluded that, as fast as it became necessary, the decayed zinc should be superseded by tin, your committee would recommend that it be wholly covered with tin, without delay.

Your committee further recommend that a suitable person be appointed to superintend the covering of the State House, and they report a bill accordingly.

No. 271. A bill in relation to the State House;
Which was read;
On motion by Mr. Pennington,
The rule of the Senate was suspended, the bill read a second time and ordered to lie upon the table.
Mr. Pennington introduced
No. 272. A bill amending the seventh article of the sixth chapter of the Revised Statutes of 1843, in relation to the State Librarian;
Which was read; and,
On motion by Mr. Pennington,
The rule of the Senate was suspended, the bill read a second time and ordered to lie upon the table.
Mr. Todd presented the remonstrance of sundry citizens of Johnson and Marion counties, against the incorporation of Greenwood Academy;
Which was ordered to lie upon the table.
Mr. Wood presented the petition of sundry citizens of the county of Blackford, on the subject of the protection of wild fruit;
Which was ordered to lie upon the table.
Mr. Lane presented the petition of sundry citizens of the county of Posey, on the subject of laying off a portion of a certain creek therein named, into districts, to be worked on as a road;
Which was ordered to lie upon the table.
Mr. Reyburn presented the petition of sundry citizens of the county of Miami, on the subject of extending the jurisdiction of justices of the peace, in civil cases, in said county;
Which was ordered to lie upon the table.
Mr. Wood presented the petition of sundry citizens of the couuty

of Blackford, praying for the passage of an act abolishing capital punishment;

Which was ordered to lie upon the table.

Mr. Stanford, chairman of the committee on education, submitted the following report:

MR. PRESIDENT:

The committee on education, to whom was referred bill
No. 203, of the Senate, amendatory of an act for the relief of certain persons therein named, approved February 6, 1843;

Have considered the same, and directed me to report the bill to the Senate and recommend its indefinite postponement.

Ordered, That the report of the committee be concurred in, and the further consideration of the bill be indefinitely postponed.

Mr. Logan submitted the following resolution:

Resolved, That the thanks of the Senate be, and the same are hereby, tendered to the Hon. Jesse D. Bright, for the able, dignified, and impartial manner in which he has presided over the deliberations of this body, during its present session.

The ayes and noes being desired upon the adoption of the resolution,

Those who voted in the affirmative are,

Messrs. Akin, Alexander, Berry, Bowers, Bradbury, Buell of Dearborn, Buell of Warren, Carr, Chapman of Daviess, Chapman of Laporte, Cotton, Davis, Defrees, Dole, Duzan, Edmonson, Farmer, Goodenow, Hamer, Henry, Herriman, Hodge, Holloway, Hutton, Jackson, Jones, Kennedy, Lane, Leviston, Logan, Major, Miller, Moore, Morgan of Decatur, Morgan of Rush, Parks, Pennington, Read, Reyburn, Rippey, Ritchey, Rockhill, Stanford, Tannehill, Todd, and Wood—46.

Mr. Ewing voted in the negative.

So the resolution was adopted.

On motion by Mr. Lane,

Resolved unanimously, That the thanks of the Senate be tendered to William T. Otto and John Grant, for the able and efficient manner in which they have severally discharged the duties of Secretary and assistant Secretary of the Senate, during the present session.

Mr. Akin, from the judiciary committee, submitted the following report:

MR. PRESIDENT:

The committee on the judiciary to which was referred bill of the House,

No. 301. Entitled, A bill for the relief of the creditors of John Graves, late of Clay county, deceased;

Have had the same under consideration and have made two amendments thereto, which when adopted, they recommend its passage:

1st. Strike out the fourth line from the top, in section one, the words "Elias Bowling" and insert in lieu thereof the word "the."

2d. Strike out of the last line in the first section the word "shall" and insert in lieu thereof the word "may."

Ordered, That the amendments of the committee be concurred in.

On motion by Mr. Akin,

The rule of the Senate was suspended,

The bill read a third time, and passed.

Ordered, That the Secretary inform the House of Representatives thereof, and ask their concurrence.

Mr. Carr, from the committee on the judiciary, submitted the following report:

MR. PRESIDENT:

The judiciary committee to whom was referred bill of the House of Representatives,

No. 287. Entitled, A bill to require non-resident freeholders to pay a road tax equal to that of resident citizens;

Have, according to order, had the same under consideration and have directed me to report the bill back to the Senate, and recommend the indefinite postponement thereof.

Ordered, That the report of the committee be concurred in, and the further consideration of the bill be indefinitely postponed.

Mr. Carr, from the committee on the judiciary, submitted the following report:

MR. PRESIDENT:

The judiciary committee to whom was referred bill of the Senate, entitled,

No. 265. A bill in relation to county surveyors' fees;

Have had the same under consideration, and have instructed me to report the same back to the Senate and recommend its indefinite postponement.

Ordered, That the report of the committee be concurred in, and the further consideration of the said bill be indefinitely postponed.

Mr. Carr, from the committee on the judiciary, submitted the following report:

MR. PRESIDENT:

The judiciary committee to whom was referred bill of the House of Representatives,

No. 248. Entitled, A bill relative to the expenses of changing the venue in civil causes;

Have, according to order, had the same under consideration and have directed me to report, that in the opinion of the committee, the object aimed at by this bill is already provided for by a bill which has passed the Senate at the present session; the committee therefore recommend that said bill be indefinitely postponed.

Ordered, That the report of the committee be concurred in, and the further consideration of the said bill be indefinitely postponed.

Mr. Lane, chairman of the committee on claims, submitted the following report:

MR. PRESIDENT:

The committee on claims to whom was referred the account of Robert T. Fry, assignee of Baldwin and Vail, in the sum of $388 35, have for some time had the same in their hands, and being unable to determine as to the justness of the claim, have directed me to return the same and recommend that it be laid on the table.

The committee have directed me further to report it inexpedient to legislate on the petition of R. Brackenridge, jr., and others, and ask to be discharged from the further consideration of those subjects.

Ordered, That the committee be discharged accordingly.

Mr. Ritchey, chairman of the committee on finance, submitted the following report:

MR. PRESIDENT:

The committee on finance to whom was referred a bill of the House of Representatives entitled,

No. 397. A bill to do justice to the people of Martin county;

After carefully examining the same, have directed me to report the bill back to the Senate with one amendment and when so amended, they recommend its passage, viz:

Strike out all after the word "whereas," in the preamble, and insert the following as a substitute:

"The assessor of Martin county, for the year 1843, did not exempt from assessment one hundred and twenty-five dollars of personal property to each tax payer as the law then provided should be done; therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the treasurer of said county of Martin in collecting the revenue assessed in said county for the year 1845 shall give to each tax payer who may require it, a credit on his tax for State purposes equal to the amount so improperly assessed against and paid by him in the year 1843.

SEC. 2. It shall be the duty of said treasurer to keep a list of all tax payers who have received a credit as above, together with the exact amount so credited to each, which, when verified by his oath or affirmation, shall be produced and allowed in his settlement with the Treasurer of State.

This act to take effect and be in force from and after its passage.

Ordered, That the amendment of the committee be concurred in.

On motion by Mr. Ritchey,

The rule of the Senate was suspended,

The bill read a third time, and passed.

Ordered, That the Secretary inform the House of Representatives thereof.

Mr. Ritchey, chairman of the committee on finance, submitted the following report:

MR. PRESIDENT:

The committee on finance to whom was referred a bill of the House of Representatives, entitled,

No. 236. A bill providing for the better collection of the water rents due the State;

Having carefully examined the subject, have directed me to report the bill back to the Senate and recommend its passage.

On motion by Mr. Read,

The rule of the Senate was suspended,

The bill read a third time, and passed.

Ordered, That the Secretary inform the House of Representatives thereof.

Mr. Tannehill moved to reconsider the vote of the Senate on the passage of bill of the Senate,

No. 252. A bill in relation to water power and water rents upon the Wabash and Erie canal;

Upon which,

The ayes and noes being desired by two Senators,

Those who voted in the affirmative are,

Messrs. Akin, Alexander, Bradbury, Buell of Warren, Chapman of Daviess, Cotton, Davis, Defrees, Dole, Farmer, Goodenow, Hamer, Holloway, Hutton, Jones, Lane, Moore, Orth, Parks, Read, Reyburn, Rockhill, Tannehill, Todd and Wood—23.

Those who voted in the negative are,

Messrs. Berry, Bowers, Buell of Dearborn, Carr, Chapman of Laporte, Duzan, Edmonson, Ewing, Henry, Herriman, Hodge, Kennedy, Leviston, Logan, Miller, Morgan of Decatur, Morgan of Rush, Pennington, Rippey, Ritchey and Stanford—19.

So the vote was reconsidered, and

On motion by Mr. Defrees,

Ordered, That said bill lie upon the table.

Message from the House, by Mr. Farquhar, their Clerk:

MR. PRESIDENT:

The House of Representatives has concurred in the *second* amendment of the Senate to engrossed bill of the House,

No. 379. An act making general appropriations for the year 1845.

The House disagrees to the *first* amendment of the Senate to said bill.

Mr. Chapman of Laporte moved that the Senate insist upon the first amendment to No. 379, mentioned in the foregoing message.

Upon which,

The ayes and noes being desired by two Senators,

Those who voted in the affirmative are,

Messrs. Bowers, Bradbury, Buell of Dearborn, Chapman of Laporte, Cotton, Davis, Defrees, Duzan, Edmonson, Ewing, Goodenow, Henry, Herriman, Hodge, Holloway, Kennedy, Moore, Morgan of Decatur, Morgan of Rush, Orth, Reyburn, Rippey, Rockhill, and Stanford—24.

Those who voted in the negative are,

Messrs. Akin, Alexander, Allison, Berry, Carr, Chapman of Daviess, Dole, Farmer, Hamer, Hutton, Jackson, Lane, Leviston, Logan, Major, Miller, Parks, Pennington, Read, Ritchey, Tannehill, and Wood—22.

So the motion was agreed to.

Ordered, That the Secretary inform the House of Representatives thereof.

Message from the House by Mr. Farquhar, their Clerk:

MR. PRESIDENT:

The House of Representatives insist on their disagreement to the amendment of the Senate to bill of the House,

No. 379. An act making general appropriations for the year 1845;

And have appointed Messrs. Simonson and Handy a committee of free conference, on the part of the House, in relation to the disagreement of the Senate and House on said bill, and ask the appointment of a similar committee on the part of the Senate.

Ordered, That Messrs. Chapman of Laporte and Henry be a committee on the part of the Senate, to act with the committee on the part of the House, on the subject of the disagreement on bill No. 379.

Mr. Chapman of Laporte, from the committee of free conference, submitted the following report:

MR. PRESIDENT:

The committee of free conference on the part of the Senate, have directed me to report that the committee of free conference appointed by the House, and the committee appointed by the Senate, have had the differences existing between the two Houses in relation to bill of the House No. 379, making general appropriations for the year 1845, under consideration, and that they have been unable to agree, and ask to be discharged from its further consideration.

Ordered, That they be discharged accordingly.

Message from the House by Mr. Farquhar, their Clerk:

MR. PRESIDENT:

The House have discharged the committee of free conference appointed to take into consideration the disagreement of the two Houses relative to the amendment of the Senate to an engrossed bill of the House of Representatives entitled,

No. 379. An act making general appropriations for the year 1845;

And have appointed Messrs. Handy and Hazelrigg a second committee of free conference to take into consideration the same subject.

Ordered, That Messrs. Ritchey and Stanford act, on the part of

the Senate, with the committee named in the foregoing message, in relation to the matter therein contained.

Mr. Ritchey, from the committee of free conference, on House bill No. 379, a bill making general appropriations for the year 1845, submitted the following report:

MR. PRESIDENT:

The joint committee of free conference, appointed by the two Houses of the General Assembly, to confer on the disagreement of the Senate to bill of the House of Representatives No. 379, entitled, an act making general appropriations for the year 1845, have had the subject under consideration, and have directed me to recommend to the Senate an appropriation of ten thousand dollars for the State prison, and that it be inserted in said bill in the proper place as an amendment to the same; and ask to be discharged from the further consideration of the subject.

The question being on concurring in the report of the committee,
The ayes and noes were desired by two Senators,
And were as follows:

Those who voted in the affirmative are,

Messrs. Alexander, Allison, Berry, Carr, Chapman of Daviess, Dole, Duzan, Edmonson, Farmer, Hamer, Herriman, Hutton, Jackson, Jones, Kennedy, Lane, Leviston, Logan, Major, Miller, Parks, Pennington, Read, Ritchey, Rockhill, Tannehill, Todd, and Wood —28.

Those who voted in the negative are,

Messrs. Akin, Bowers, Bradbury, Buell of Dearborn, Buell of Warren, Chapman of Laporte, Cotton, Davis, Defrees, Ewing, Goodenow, Henry, Hodge, Holloway, Moore, Morgan of Decatur, Morgan of Rush, Orth, Reyburn, Rippey, and Stanford—21.

So the report of the committee was concurred in.

Message from the House of Representatives by Mr. Farquhar, their Clerk:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the House have agreed to the report of the committee of free conference to settle the difference between the House and Senate on bill of the House No. 379, entitled, an act making general appropriations for the year 1845, as far as the same relates to the appropriation to the new State prison.

Message from the House of Representatives by Mr. Farquhar, their Clerk:

MR. PRESIDENT:

The House of Representatives has passed an engrossed bill thereof entitled,

No. 420. An act making specific appropriations for the year 1845;

In which I am directed to ask respectfully the concurrence of the Senate.

House bill No. 420, contained in the foregoing message,
Was read, and,

On motion by Mr. Pennington,

The rule of the Senate was suspended, and the bill read a second time.

Mr. Defrees submitted the following as an amendment to the bill:

"Sec. —. That George H. Dunn be allowed the sum of one hundred and fifty dollars for his services as superintendent of common schools;

Which was not agreed to.

Mr. Herriman moved to amend the bill by adding the following words:

"That John Bishop be allowed twenty-four dollars for eight days service in preparing the Senate chamber, in accordance with a resolution passed on that subject."

Mr. Stanford moved to strike out "twenty-four" and insert "fifteen;"

Which was agreed to,

And the amendment was adopted.

Mr. Todd moved to amend the bill by adding:

"That Frederick Voight be allowed twelve dollars and fifty cents for five days service rendered as assistant doorkeeper at the commencement of the present session of the General Assembly;"

Which was agreed to.

Mr. Davis moved to amend the bill by adding:

"That there be allowed to the present Secretary of State twelve and a half cents per 100 words for such acts as he has been required by the General Assembly to forward copies of to the different counties, or for publication in newspapers, during the present session—to be computed by the Auditor of State."

Mr. Herriman moved to lay the amendment upon the table;

Which was agreed to.

Mr. Lane, chairman of the committee on claims, submitted the following amendments to the bill.

Add the following words:

That Charles B. Davis be allowed forty-one dollars and fifty cents, for stationery furnished for the use of the Senate at its present session, and the further sum of eight dollars, for letter paper furnished for the use of the Senate, at its last session;

That Tomlinson Brothers be allowed the sum of ten dollars and fifty-six cents, for sundry articles furnished for the use of the Senate during the present session;

That Ogden and Magee be allowed the sum of fifteen dollars and twelve cents, for crape and other articles, furnished for the use of the Senate during the present session;

Sec. —. That Samuel Hall be allowed the sum of five dollars, for two days' services as assistant door-keeper to the Senate, at the commencement of the present session;

That J. W. Yandes be allowed the sum of fifty cents, for articles furnished for the use of the Senate, at the present session;

That S. Wainwright be allowed the sum of twenty cents, for a lamp filler, furnished for the use of the Senate at the present session;

That David George be allowed the sum of sixty-eight and three quarter cents, for articles furnished for the use of the Senate at the present session;

That R. C. Allison, assistant door keeper of the Senate, be allowed five dollars for the rent of a bed during the present session;

That John H. Cook be allowed the sum of twelve dollars and fifty cents, for services as special prosecutor in Jay county, at the November term, 1843; and that the said John H. Cook be allowed the further sum of twelve dollars and fifty cents, for services as special prosecutor at the November term of the Blackford county circuit court, in the year 1843;

That John Michael be allowed the sum of seventeen dollars and fifty cents, for work done in preparing the Senate Chamber at the commencement of the present session;

That A. Bird be allowed the sum of seventeen dollars and ninety cents, for sundry articles furnished for the use of the Senate at the present session;

Which were agreed to.

Mr. Akin moved to amend the bill, by adding the following words:

Sec. —. That there be allowed to the Secretary, Auditor and Treasurer of State, such amount as they have actually expended during the last year, for necessary clerk hire in order to a proper discharge of the public service, to be audited upon the certificate of the said officers respectively;

Upon which,

The ayes and noes being desired by two senators,

Those who voted in the affirmative are,

Messrs. Akin, Chapman of Laporte, Cotton, Davis, Defrees and Orth—6.

Those who voted in the negative are,

Messrs. Allison, Berry, Bowers, Bradbury, Buell of Dearborn, Buell of Warren, Carr, Chapman of Daviess, Dole, Duzan, Edmonson, Ewing, Farmer, Goodenow, Hamer, Herriman, Hodge, Holloway, Hutton, Jackson, Jones, Kennedy, Lane, Leviston, Logan, Major, Miller, Moore, Morgan of Decatur, Morgan of Rush, Parks, Pennington, Read, Reyburn, Rippey, Ritchey, Rockhill, Stanford, Tannehill and Wood—40.

So the amendment was not agreed to.

Mr. Chapman of Laporte, moved to amend the bill, by adding the following:

That Edward C. Doran, for services rendered in organizing the Senate at the commencement of the present session, be allowed the sum of five dollars;

Which was agreed to.

Mr. Chapman of Laporte, moved to amend the bill by adding the following:

That N. B. Palmer, late Treasurer of State, make allowance to the late Auditor contemplated in the 36th section of the specific appropriation act of the last year;

Which was agreed to.

Mr. Morgan of Decatur, moved to amend the bill as follows:

Strike out of the second section the words "two dollars and fifty cents," and insert in lieu thereof the words "three dollars;"

Which was agreed to.

Mr. Orth moved to amend the bill by adding the following words:

That David Henry be allowed the sum of one hundred dollars for his expenses necessarily incurred at the last session of the General Assembly in and about the contested election between the said David Henry and one Daniel Kelso.

Mr. Chapman of Laporte, moved to amend the amendment, by adding,

"And that the like amount be allowed to the said Daniel Kelso;"

Which was agreed to; and,

On motion by Mr. Davis,

The amendment was ordered to lie upon the table.

Mr. Parks moved to amend the bill by adding,

"That Charles Hess be allowed two dollars for one day's service as assistant door-keeper at the commencement of the present session of the General Assembly;"

Which was agreed to.

Mr. Berry moved to amend the bill as follows:

Amend section first by striking out "four dollars," and inserting in lieu thereof, "three dollars a day for the first six weeks of the session, and after that one dollar and fifty cents per day."

Mr. Defrees moved to lay the amendment on the table;

Upon which,

The ayes and noes being desired by two Senators,

Those who voted in the affirmative are,

Messrs. Akin, Alexander, Allison, Bowers, Bradbury, Carr, Chapman of Daviess, Chapman of Laporte, Cotton, Davis, Defrees, Ewing, Farmer, Goodenow, Holloway, Jackson, Jones, Kennedy, Lane, Moore, Morgan of Rush, Orth, Parks, Pennington, Read, Rippey, Stanford, Todd, and Wood—29.

Those who voted in the negative are,

Messrs. Berry, Buell of Dearborn, Dole, Duzan, Edmonson, Hamer, Herriman, Hodge, Hutton, Leviston, Logan, Major, Miller, Morgan of Decatur, Ritchey, and Rockhill—16.

So the amendment was ordered to lie upon the table.

Mr. Chapman of Laporte, moved to amend the bill by adding the following:

That, in consequence of the increased quantity of enrolling of the present session, there be allowed an additional compensation of one hundred dollars for said services;

Which was not agreed to.

Mr. Henry moved to amend the bill by adding the following:

That John Dumont be allowed the sum of thirty-five dollars, this sum being withheld out of his salary as prosecuting attorney in the third judicial circuit, for the year 1844.

Mr. Edmonson moved to lay the amendment upon the table;

Which was agreed to.

On motion by Mr. Morgan of Decatur,

The rule of the Senate was further suspended,

The bill read a third time and passed.

Ordered, That the Secretary inform the House of Representatives thereof, and ask their concurrence in the amendments of the Senate.

Mr. Akin, chairman of the committee on federal relations, submitted the following report:

MR. PRESIDENT:

The committee on federal relations, to which was referred No. 235, of the Senate, a joint resolution in relation to exchanging documents with other States;

Have considered the same, and have made one amendment thereto, which, when adopted, they recommend the passage of the joint resolution.

Add, after the word court, in the last line of the first section, the following words:

"As they may be hereafter published."

Ordered, That the amendment of the committee be concurred in.

On motion by Mr. Akin,

The rule of the Senate was suspended,

The bill read a third time and passed.

Ordered, That the Secretary inform the House of Representatives thereof, and ask their concurrence.

Mr. Chapman of Laporte, chairman of the committee on the judiciary, submitted the following report:

MR. PRESIDENT:

The committee on the judiciary, to whom was referred House bill No. 160, entitled, "A bill to authorize the county treasurer of De Kalb county to apply certain State revenue in his hands;"

Have duly considered the same, and have directed me to report it back and recommend its passage.

On motion by Mr. Herriman,

The rule of the Senate was suspended,

The bill read a third time, and passed.

Ordered, That the Secretary inform the House of Representatives thereof.

Message from his Excellency, the Governor, by T. Brown Kinder, Esq., his Private Secretary:

MR. PRESIDENT:

I am instructed, by his Excellency, the Governor, to bear to the Senate the enclosed communication, with the request that the President will lay the same before the Senate.

EXECUTIVE DEPARTMENT,
January 13, 1845.

Gentlemen of the Senate:

I hereby nominate to you for appointment, as Judges of the Supreme Court of Indiana, for the next constitutional term of said offices, commencing on the 29th day of January, 1845, Ebenezer M. Chamberlain and Samuel E. Perkins, and respectfully ask your advice and consent to the same.

JAS. WHITCOMB.

On motion by Mr. Ritchey,

The Senate proceeded, with closed doors, to consider the above communication of his Excellency, the Governor, and a division of the question, on the nominations, was called for.

The question being,

Will the Senate advise and consent to the appointment of Ebenezer M. Chamberlain, agreeably to the nomination?

The ayes and noes being desired by two Senators,

Those who voted in the affirmative are,

Messrs. Berry, Carr, Chapman of Daviess and Martin, Duzan, Edmonson, Herriman, Hutton, Jackson, Jones, Kennedy, Lane, Leviston, Logan, Major, Miller, Parks, Read, Rippey, Ritchey, Tannehill, and Wood—21.

Those who voted in the negative are,

Messrs. Akin, Alexander, Allison, Bowers, Bradbury, Buell of Dearborn, Buell of Warren, Chapman of Laporte, Coffin, Cotton, Davis, Defrees, Dole, Ewing, Farmer, Goodenow, Hamer, Henry, Hodge, Holloway, Moore, Morgan of Decatur, Morgan of Rush, Orth, Pennington, Reyburn, Rockhill, Stanford, and Todd—29.

So it was

Resolved, That the Senate do not advise and consent to the appointment of Ebenezer M. Chamberlain as one of the Judges of the Supreme Court of Indiana.

Ordered, That the Secretary lay said resolution before his Excellency, the Governor.

The question then recurred,

Will the Senate advise and consent to the appointment of Samuel E. Perkins, agreeably to the nomination?

The ayes and noes being desired by two Senators,

Those who voted in the affirmative are,

Messrs. Berry, Carr, Chapman of Daviess, Duzan, Edmonson, Herriman, Jackson, Jones, Kennedy, Lane, Leviston, Logan, Major, Miller, Read, Rippey, Ritchey, Tannehill, and Wood—19.

Those who voted in the negative are,

Messrs. Akin, Alexander, Allison, Bowers, Bradbury, Buell of Dearborn, Buell of Warren, Chapman of Laporte, Coffin, Cotton, Davis, Defrees, Dole, Ewing, Farmer, Goodenow, Hamer, Henry, Hodge, Holloway, Hutton, Moore, Morgan of Decatur, Morgan of Rush, Orth, Parks, Pennington, Reyburn, Rockhill, Stanford, and Todd—31.

So it was

Resolved, That the Senate do not advise and consent to the appointment of Samuel E. Perkins as one of the Judges of the Supreme Court of Indiana.

Ordered, That the Secretary lay said resolution before His Excellency the Governor.

Mr. Edmonson, chairman of the committee on corporations, submitted the following report:

Mr. President:

The committee on corporations would respectfully ask leave to report back to the Senate, for its action, bill of the Senate No. 264, entitled, a bill to incorporate the Michigan road company;

Also, bill of the House, No. 311, entitled, a bill to incorporate the Indianapolis and Andersontown canal company, and respectfully ask to be discharged from the further consideration thereof.

Ordered, That the committee be discharged accordingly.

House bill,

No. 264. A bill to incorporate the Michigan road company.

Mr. Chapman moved to amend the bill by striking out the proviso in the last section;

Which was agreed to.

The bill was then read a third time;

And on the question,

"Shall the bill pass?"

The ayes and noes were desired by two Senators,

And were as follows:

Those who voted in the affirmative are,

Messrs. Akin, Buell of Warren, Carr, Chapman of Daviess, Chapman of Laporte, Davis, Defrees, Duzan, Hodge, Holloway, Jackson, Jones, Kennedy, Leviston, Major, Miller, Morgan of Rush, Reyburn, Rippey, Stanford, Tannehill, Todd, and Wood—23.

Those who voted in the negative are,

Messrs. Bowers, Bradbury, Buell of Dearborn, Cotton, Dole, Goodenow, Hamer, Henry, Herriman, Hutton, Lane, Moore, Morgan of Decatur, Orth, Parks, Pennington, Read, Ritchey, and Rockhill—19.

So the bill passed.

Ordered, That the Secretary inform the House of Representatives thereof.

No. 311. A bill to incorporate the Indianapolis and Andersontown canal company; was,

On motion by Mr. Buell of Dearborn,

Ordered to lie upon the table.

On motion by Mr. Ritchey,

The Senate adjourned.

2 o'clock, P. M.

The Senate assembled.

A message from the House of Representatives by Mr. Farquhar, their Clerk:

MR. PRESIDENT:

The House has concurred in the amendments of the Senate to bill of the House entitled,

No. 12. An act for the incorporation of the Philadelphia Industrial Association of St. Joseph county, Indiana.

The House has passed engrossed bills thereof, entitled:

No. 81. An act to diminish the costs and expenses of defendants in suits at law;

No. 161. An act to authorize the board doing county business of the county of Miami to do a certain act;

No. 165. An act to amend the law relative to licenses to vend clocks;

No. 171. An act in relation to justices and other officers in Laporte county;

No. 167. An act for the relief of Robert Harbison;

No. 172. An act authorizing the election of a county auditor in Clay county;

No. 173. An act to amend Revised Statutes, section 63, page 170;

No. 175. An act fixing a certain annual compensation to the auditor of Hamilton county;

No. 179. An act to legalize certain proceedings in the probate court of Carroll county;

No. 185. An act to allow a bounty on wolf scalps;

No. 187. An act to authorize pirogues and canoes to navigate the Wabash and Erie canal;

No. 190. An act to locate a State road in the counties of Whitley and Kosciusko;

No. 192. An act to locate a State road therein mentioned;

No. 193. An act to authorize a settlement with Cornelius Ferree, and for other purposes;

No. 194. An act providing for the location of a State road in Randolph and Jay counties;

No. 201. An act for a more equitable mode of distributing the interest arising from the school fund in Orange county;

No. 202. An act legalizing the selecting, drawing, &c., of the grand and petit jurors for the county of Daviess;

No. 204. An act incorporating the Kosciusko and Allen turnpike company;

No. 237. An act to amend an act entitled, "An act to provide for the reduction of the State and individual stock in the State Bank, and for other purposes," passed February 2, 1843;

No. 279. An act to regulate the mode of doing township business in the county of Elkhart;

No. 308. An act for the benefit of John Yount and Philip Weaver;

No. 403. An act providing for the fees of the auditor of Hancock county;

No. 419. An act giving the tax-payers of Spencer county their just rights.

The House has also passed an engrossed joint resolution as follows:

No. 199. A joint resolution relative to the reduction of the price of public lands.

In which bills and joint resolution I am directed to ask respectfully the concurrence of the Senate.

House bill,

No. 81. A bill to diminish the costs and expenses of defendants in suits at law;

Was read, and,

On motion by Mr. Chapman of Laporte,

The rule of the Senate was suspended, the bill read a second time, and ordered to lie upon the table.

House bill,

No. 161. A bill to authorize the board doing county business of the county of Miami to do a certain act;

Was read, and,

On motion by Mr. Buell of Dearborn,

The rule of the Senate was suspended, the bill read a second time, and ordered to lie upon the table.

House bill,

No. 173. A bill to amend Revised Statutes, section 63, page 170;

Was read, and,

On motion by Mr. Orth,

The rule of the Senate was suspended, the bill read a second time, and ordered to lie upon the table.

No. 165. A bill to amend the law relative to licenses to vend clocks;

Was read, and,

On motion by Mr. Jackson,

The rule of the Senate was suspended,

The bill read a second and third times and passed.

No. 171. A bill in relation to justices and other officers in Laporte county;

Was read, and,

On motion by Mr. Chapman of Laporte,

The rule of the Senate was suspended,

The bill read a second and third times, and passed.

No. 172. A bill authorizing the election of a county auditor in Clay county;

House bill,

No. 175. A bill fixing a certain annual compensation to the auditor of Hamilton county;

House bill,

No. 179. A bill to legalize certain proceedings in the probate court of Carroll county;

House bill,

No. 185. A bill to allow a bounty on wolf scalps;

House bill,

No. 187. A bill to authorize pirogues and canoes to navigate the Wabash and Erie canal;

House bill,

No. 190. A bill to locate a State road in the counties of Whitley and Kosciusko;

House bill,

No. 192. A bill to locate a State road therein named;

House bill,

No. 194. A bill providing for the location of a State road in Randolph and Jay counties;

House bill,

No. 202. A bill to legalize the selecting, drawing, &c., of the grand and petit jurors for the county of Daviess;

House bill,

No. 204. A bill incorporating the Kosciusko and Allen turnpike company;

House bill,

No. 279. A bill to regulate the mode of doing township business in the county of Elkhart;

House bill,

No. 193. A bill to authorize a settlement with Cornelius Ferree, and for other purposes;

House bill,

No. 308. A bill for the benefit of John Yount and Philip Weaver;

House bill,

No. 403. A bill providing for the fees of the Auditor of Hancock county;

Contained in the foregoing message were severally read, and

On motion,

The rule of the Senate was suspended,

The bills severally read a second and third times, and passed.

Ordered, That the Secretary inform the House of Representatives of the passage of said bills.

House bill,

No. 167. A bill for the relief of Robert Harbison;

Was read, and

On motion by Mr. Akin,

The rule of the Senate was suspended, and

The bill read a second time.

Mr. Chapman of Laporte, moved to amend the bill by striking

out that part providing that said Harbison should make proof by his own oath or affidavit;

Which was agreed to.

On motion by Mr. Farmer,

The rule of the Senate was further suspended,

The bill read a third time, and passed.

Ordered, That the Secretary inform the House of Representatives thereof, and ask their concurrence in the amendment of the Senate.

House bill,

No. 201. A bill for a more equitable mode of distributing the interest arising from the school fund in Orange county;

House bill,

No. 237. A bill to amend an act entitled, "an act to provide for the reduction of the State and individual stock in the State Bank, and for other purposes, passed February 2d, 1843."

Joint resolution of the House,

No. 199. A joint resolution relative to the reduction of the price of the public lands;

Were severally read, and

On motion,

The rule of the Senate was suspended,

The said bills and joint resolution were severally read a second time, and ordered to lie upon the table.

Message from the House of Representatives, by Mr. Farquhar, their clerk:

MR. PRESIDENT:

The House of Representatives has passed, engrossed bills thereof entitled as follows:

No. 313. An act to incorporate the Logansport Brass Band;

No. 385. An act to incorporate the College Corner and Centreville turnpike company;

No. 409. An act to incorporate the New Castle and Andersontown turnpike company;

No. 410. An act for the extension of a State road in Laporte county to Winamac in Pulaski county;

No. 411. An act for the relief of the county seminary of Tippecanoe county;

No. 412. An act relative to the school funds in township No. 10, north of range No. 1 west, in Monroe county;

No. 414. An act to amend an act entitled, "an act to detach certain territory from the county of Miami, and attaching the same to the county of Fulton," approved January 15th, 1844;

No. 417. An act for the relief of John P. Cace and Absalom Hyter, administrators of the estate of John Cace, late of Dearborn county, deceased;

The House has also passed a joint resolution, entitled,

No. 408. A joint resolution on the subject of Oregon territory;

In which bills and joint resolution, I am directed to ask respectfully the concurrence of the Senate.

House bill,

No. 313. A bill to incorporate the Logansport Brass Band;

House bill,

No. 410. A bill for the extension of a State road in Laporte county, to Winamac in Pulaski county;

House bill,

No. 411. A bill for the relief of the county seminary of Tippecanoe county;

House bill,

No. 412. A bill relative to the school funds in township No. 10, north of range No. 1 west, in Monroe county;

House bill,

No. 414. A bill to amend an act entitled, "an act to detach certain territory from the county of Miami, and attaching the same to the county of Fulton," approved January 15th, 1844;

House bill,

No. 417. A bill for the relief of John P. Cace and Absolom Hyter, administrators of the estate of John Cace, late of Dearborn county, deceased;

All contained in the foregoing message, were severally read, and

On motion,

The rule of the Senate was suspended,

The bills severally read a second and third times, and passed.

Ordered, That the Secretary inform the House of Representatives thereof.

House bill,

No. 385. A bill to incorporate the College Corner and Centreville turnpike company;

Was read, and

On motion by Mr. Herriman,

The rule of the Senate was suspended,

And the bill read a second time.

Mr. Herriman moved to amend the bill by adding as an additional section, the following words:

"The General Assembly reserves the right to repeal, alter, or amend this charter at any time;"

Which was agreed to.

House bill,

No. 409. A bill to incorporate the New Castle and Andersontown turnpike company;

Was read, and

On motion by Mr. Stanford,

The rule of the Senate was suspended, and

The bill read a second time.

Mr. Stanford moved to amend the bill by adding, as an additional section, the following words:

"The General Assembly reserves the right to repeal, alter, or amend this charter at any time;

Which was agreed to.

On motion by Mr. Herriman,

The rule of the Senate was suspended,

The said bills read a third time, and passed.

Ordered, That the Secretary inform the House of Representatives thereof, and ask their concurrence in the amendments of the Senate.

Joint resolution of the House,

No. 408. A joint resolution on the subject of Oregon territory;

Was read, and

On motion by Mr. Wood,

The rule of the Senate was suspended,

And the joint resolution read a second time.

Mr. Orth moved to lay the joint resolution on the table.

The ayes and noes being desired by two Senators,

Those who voted in the affirmative are,

Messrs. Bradbury, Cotton, Defrees, Dole, Hamer, Holloway, Morgan of Decatur, Morgan of Rush, Orth, Pennington, and Reyburn—11.

Those who voted in the negative are,

Messrs. Akin, Allison, Berry, Bowers, Buell of Dearborn, Carr, Chapman of Daviess, Chapman of Laporte, Davis, Ewing, Farmer, Goodenow, Henry, Herriman, Hodge, Hutton, Jackson, Jones, Kennedy, Lane, Leviston, Major, Moore, Parks, Read, Rippey, Ritchey, Rockhill, Stanford, Tannehill, Todd, and Wood—32.

So the motion was not agreed to.

On motion by Mr. Herriman,

The rule of the Senate was further suspended,

The joint resolution read a third time, and passed.

Ordered, That the Secretary inform the House of Representatives thereof.

A message from the House of Representatives by Mr. Farquhar, their clerk:

MR. PRESIDENT:

The House of Representatives has passed engrossed bills thereof, as follows:

No. 369. An act to repeal an act entitled, "an act to change the mode of doing county business in the county of Scott;

No. 370. An act to amend an act entitled, "an act for the relief

of David D. Weddle of Brown county," approved January 13th, 1844;

No. 373. An act to amend an act entitled, "an act to incorporate the Wabash bridge company;"

No. 375. An act to amend an act entitled, "an act changing the mode of doing county business in the county of Clay," approved January 17th, 1842;

No. 377. An act to amend an act entitled, "an act to incorporate the city of Logansport," approved February 17th, 1838, and for other purposes;

No. 378. An act in relation to the fees of recorder and auditor in Wabash county;

In which I am directed to ask respectfully the concurrence of the Senate.

The House of Representatives recedes from its amendment to bill of the Senate,

No. 72. An act to attach additional territory to the county of Ohio, and for other purposes.

House bill,

No. 373. A bill to amend an act, entitled "An act to incorporate the Wabash bridge company;"

Was read, and,

On motion by Mr. Rippey,

The rule of the Senate was suspended, the bill read a second time, and ordered to lie upon the table.

House bill,

No. 377. A bill to amend an act, entitled "An act to incorporate the city of Logansport," approved February 17th, 1838, and for other purposes;

Was read, and,

On motion by Mr. Buell of Dearborn,

The rule of the Senate was suspended, the bill read a second time, and ordered to lie upon the table.

House bill,

No. 375. A bill to amend an act, entitled "An act changing the mode of doing county business in the county of Clay," approved January 17th,

Was read, and,

On motion by Mr. Akin,

The rule of the Senate was suspended,

The bill read a second and third times, and passed.

House bill,

No. 378. A bill in relation to the fees of recorder and auditor in Wabash county;

Was read, and,

On motion by Mr. Reyburn,

The rule of the Senate was suspended,

The bill read a second and third times, and passed.

House bill,

No. 369. A bill to repeal an act, entitled "An act to change the mode of doing county business in the county of Scott;"

Was read, and,

On motion by Mr. Morgan of Decatur,

The rule of the Senate was suspended,

And the bill read a second and third times, and passed,

House bill,

No. 370. A bill to amend an act, entitled "An act for the relief of David D. Weddle, of Brown county," approved January 13th, 1844;

Was read, and,

On motion by Mr. Farmer,

The rule of the Senate was suspended,

The bill read a second and third times, and passed.

Ordered, That the Secretary inform the House of Representatives thereof.

Message from the House of Representatives, by Mr. Farquhar, their clerk:

MR. PRESIDENT:

The House of Representatives has passed an engrossed bill thereof, entitled:

No. 422. An act to incorporate the Michigan road company, south of Indianapolis;

In which I am directed to ask the concurrence of the Senate.

House bill, No. 422, contained in the foregoing message, was read, and,

On motion by Mr. Kennedy,

The rule of the Senate was suspended, and the bill read a second time.

Mr. Buell of Dearborn, moved to amend the bill, by adding as an additional section the following words:

"The General Assembly reserves the right to repeal, alter or amend this charter at any time;"

Which was agreed to.

On motion by Mr. Tannehill,

The rule of the Senate was suspended,

The bill read a third time, and passed.

Ordered, That the Secretary inform the House thereof, and ask their concurrence in the amendments of the Senate.

Message from the House of Representatives, by Mr. Farquhar, their Clerk:

MR. PRESIDENT:

The House of Representatives has passed an engrossed bill thereof, entitled:

No. 424. An act authorizing copies of State documents to be forwarded to the New York Historical Society;

In which I am directed to ask respectfully the concurrence of the Senate.

House bill, No. 424, contained in the foregoing message was read, and,

On motion by Mr. Dole,

The rule of the Senate was suspended,

The bill read a second and third times, and passed.

Ordered, That the Secretary inform the House of Representatives thereof.

Message from the House of Representatives by Mr. Farquhar, their clerk:

MR. PRESIDENT:

The House of Representatives have passed engrossed bill thereof, entitled,

No. 206. An act correcting the boundary line of Richardville county;

In which the concurrence of the Senate is respectfully requested.

House bill, No. 206, contained in the foregoing message was read, and,

On motion by Mr. Reyburn,

The rule of the Senate was suspended,

The bill read a second and third times, and passed.

Ordered, That the Secretary inform the House of Representatives thereof.

Message from the House of Representatives, by Mr. Farquhar, their Clerk:

MR. PRESIDENT:

The House of Representatives has passed engrossed bills thereof, entitled as follows, to-wit:

No. 200. An act to require the payment of the revenue into the State Treasury, in such funds as are collected by the county treasurers;

No. 278. An act relative to guardians and wards;

No. 359. An act for the relief of purchasers of certain canal land lying in the county of Cass;

No. 363. An act to amend an act, entitled "An act to establish an asylum for the education of deaf and dumb persons in the State of Indiana;"

No. 401. An act in relation to proceedings in the probate courts;

In which I am directed to ask respectfully the concurrence of the Senate.

House bill, No. 200, House bill, No. 278, and House bill, No. 359, contained in the foregoing message were severally read, and,

On motion,

The rule of the Senate was suspended, the bills severally read a second time, and ordered to lie upon the table.

House bill,

No. 363. A bill to amend an act, entitled "An act to establish an asylum for the education of deaf and dumb persons in the State of Indiana;"

Was read, and,

On motion by Mr. Dole,

The rule of the Senate was suspended,

The bill read a second and third times, and passed.

House bill,

No. 401. A bill in relation to proceedings in the probate courts;

Was read, and,

On motion by Mr. Chapman of Laporte,

The rule of the Senate was suspended,

The bill read a second and third times, and passed.

Ordered, That the Secretary inform the House thereof.

Message from the House of Representatives, by Mr. Farquhar, their Clerk:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate, that the House has passed engrossed bill thereof, as follows:

No. 405. An act authorizing the school trustees of the proper townships in Harrison county, to hear and determine certain applications for relief of purchasers of school lands;

In which the concurrence of the Senate is respectfully requested.

House bill, No. 405, contained in the foregoing message was read, and,

On motion by Mr. Pennington,

The rule of the Senate was suspended, the bill read a second time, and,

On motion by Mr. Stanford,

Was ordered to lie upon the table.

Message from the House of Representatives, by Mr. Farquhar, their clerk:

MR. PRESIDENT:

I am instructed by the House to inform the Senate, that they have passed an engrossed joint resolution of the House, No. 343, entitled "A joint resolution in relation to interest on Wabash and Erie canal lands, east of Tippecanoe;"

In which the concurrence of the Senate is requested.

Joint resolution of the House, No. 343, contained in the foregoing message was read, and,

On motion by Mr. Morgan of Decatur,

The rule of the Senate was suspended,

The joint resolution read a second and third times, and passed.

Ordered, That the Secretary inform the House thereof.

A message from the House of Representatives, by Mr. Pettit, a member thereof:

MR. PRESIDENT:

I have been directed by the Speaker of the House of Representatives to inform the Senate, that the House has passed the following engrossed bill thereof, to-wit:

No. 67. An act for the restoration of the burned records of Miami county;

In which the concurrence of the Senate is respectfully requested.

House bill, No. 67, contained in the foregoing message was read, and,

On motion by Mr. Reyburn,

The rule of the Senate was suspended, and the bill read a second time.

Mr. Reyburn moved to lay the bill on the table.

The ayes and noes being desired by two Senators,

Those who voted in the affirmative are,

Messrs. Alexander, Bowers, Bradbury, Buell of Dearborn, Buell of Warren, Chapman of Daviess, Davis, Defrees, Dole, Ewing, Hamer, Henry, Hodge, Holloway, Moore, Morgan of Decatur, Morgan of Rush, Orth, Reyburn, Stanford and Todd—21.

Those who voted in the negative are,

Messrs. Akin, Carr, Chapman of Laporte, Duzan, Farmer, Herriman, Hutton, Jackson, Jones, Kennedy, Lane, Leviston, Major, Parks, Pennington, Read, Rippey, Ritchey, Rockhill and Wood—20.

So the motion was agreed to, and the bill ordered to lie upon the table.

Message from the House of Representatives, by Mr. Farquhar, their Clerk:

MR. PRESIDENT:

The House of Representatives have passed an engrossed bill thereof, entitled

No. 346. An act to incorporate the Lagrange Phalanx;

In which I am directed to ask, respectfully, the concurrence of the Senate.

House bill, No. 346, contained in the foregoing message was read, and,

On motion by Mr. Herriman,

The rule of the Senate was suspended, and the bill read a second time.

On motion by Mr. Akin,

The bill was amended, by adding an additional section, in the following words: "The General Assembly reserves the right to repeal, alter or amend this act of incorporation at any time."

On motion by Mr. Herriman,

The rule of the Senate was further suspended,

The bill read a third time, and passed.

Ordered, That the Secretary inform the House of Representatives thereof.

A message from the House of Representatives, by Mr. Jones of Fountain, a member thereof:

MR. PRESIDENT:

The House of Representatives has passed engrossed bill thereof, entitled:

No. 321. An act for the relief of Alexander McClelland;

In which I am directed to ask, respectfully, the concurrence of the Senate.

House bill, No. 321, contained in the foregoing message was read, and,

On motion by Mr. Ritchey,

The rule of the Senate was suspended,

The bill read a second and third times, and passed.

Ordered, That the Secretary inform the House of Representatives thereof.

Message from the House, by Mr. Farquhar, their Clerk:

MR. PRESIDENT:

The House of Representatives have passed with amendments, en-

grossed bill and joint resolutions of the Senate, of the following titles, viz:

No. 171. An act to encourage the killing of muskrats on the Wabash and Erie canal;

With two amendments.

No. 193. A joint resolution for the relief of David T. Yeakel and Elizur Deming;

With one amendment.

No. 233. A joint resolution praying a grant of land to construct the Northern Cross rail road, in the States of Illinois and Indiana;

In which amendments the concurrence of the Senate is requested.

On motion by Mr. Herriman,

The Senate concurred in the amendments of the House to bill of the Senate,

No. 171. A bill to encourage the killing of muskrats on the Wabash and Erie canal;

And,

On motion by Mr. Reyburn,

Ordered, That the bill lie upon the table.

On motion by Mr. Orth,

The Senate concurred in the amendment of the House to joint resolution of the Senate,

No. 193. A joint resolution for the relief of David T. Yeakel and Elizur Deming.

On motion by Mr. Dole,

The Senate concurred in the amendment of the House to joint resolution of the Senate,

No. 233. A joint resolution praying a grant of land, to construct the Northern Cross rail road, in the States of Illinois and Indiana.

Message from the House of Representatives, by Mr. Farquhar, their Clerk:

MR. PRESIDENT:

The House of Representatives have passed engrossed bills of the Senate, with amendments, of the following titles:

No. 82. An act relative to the office of county treasurer;

With one amendment.

No. 229. An act to fix the time of holding courts in the tenth judicial circuit;

With one amendment.

On motion by Mr. Chapman by Laporte,

The Senate disagreed to the amendment of the House, to bill of the Senate,

No. 82. A bill relative to the office of county treasurer.

Ordered, That the House be informed thereof.

On motion by Mr. Parks,

The Senate concurred in the amendment of the House, to bill of the Senate,

No. 229. A bill to fix the time of holding courts in the tenth judicial circuit.

Message from the House of Representatives, by Mr. Farquhar, their Clerk:

MR. PRESIDENT:

The House of Representatives has passed an engrossed bill of the Senate:

No. 121. An act to further extend to the State Bank of Indiana the privilege of issuing notes of a less denomination than five dollars;

With one amendment;

In which amendment I am directed to ask the concurrence of the Senate.

Mr. Davis moved that the Senate concur in the amendment of the House to bill of the Senate No. 121, contained in the foregoing message;

Upon which,

The ayes and noes were desired by two Senators,

And were as follows:

Those who voted in the affirmative are,

Messrs. Davis, Defrees, Dole, Hamer, Holloway, Morgan of Decatur, Pennington, and Todd—8.

Those who voted in the negative are,

Messrs. Akin, Alexander, Berry, Bowers, Buell of Dearborn, Carr, Chapman of Daviess, Chapman of Laporte, Duzan, Ewing, Farmer, Goodenow, Henry, Herriman, Hodge, Hutton, Jackson, Jones, Kennedy, Lane, Leviston, Major, Morgan of Rush, Parks, Read, Reyburn, Rippey, Ritchey, Rockhill, Stanford, Tannehill, and Wood—32.

So the amendments were not concurred in.

Ordered, That the House be informed thereof.

Message from the House, by Mr. Farquhar, their Clerk:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the House insist upon their amendment to bill of the Senate

No. 121. Entitled, "An act to further extend to the State Bank of

Indiana the privilege of issuing notes of a less denomination than five dollars;"

And have appointed Messrs. Claypool and Osborn a committee of free conference on the part of the House, to adjust the matter of difference between the two Houses.

Ordered, That Messrs. Chapman of Laporte and Herriman act, on the part of the Senate, as a committee of free conference to adjust the disagreement between the two Houses upon Senate bill No. 121, and that the House be informed thereof.

Mr. Chapman of Laporte, from the committee of free conference, submitted the following report:

MR. PRESIDENT:

The committee of free conference on the part of the Senate, appointed to meet a like committee on the part of the House, to take into consideration the matters of difference between the two Houses in relation to bill of the House

No. 121. A bill further to extend to the State Bank of Indiana the privilege of issuing notes of a less denomination than five dollars;

Have had the same under consideration, and have directed me to report that they are unable to agree thereon. They, therefore, ask to be discharged from the further consideration thereof.

Ordered, That the committee be discharged accordingly.

Message from the House, by Mr. Farquhar, their Clerk:

MR. PRESIDENT:

The House of Representatives have discharged the committee of free conference to which was referred the disagreement of the two Houses on bill of the Senate to further extend to the State Bank of Indiana the privilege of issuing notes of a less denomination than five dollars, and have appointed Messrs. Tingley and Bell a second committee of free conference, on the subject of said disagreement, and respectfully ask the appointment of a similar committee on the part of the Senate.

Mr. Defrees moved to reciprocate the message of the House by the appointment of a second committee on the part of the Senate;

On which,

The ayes and noes were desired by two Senators,

And were as follows:

Those who voted in the affirmative are,

Messrs. Alexander, Bowers, Carr, Davis, Defrees, Dole, Ewing, Farmer, Goodenow, Hamer, Henry, Hodge, Holloway, Morgan of Decatur, Morgan of Rush, Orth, Parks, Pennington, Read, Reyburn, Rockhill, Stanford, Tannehill, and Todd—24.

Those who voted in the negative are,

Messrs. Akin, Berry, Buell of Dearborn, Chapman of Daviess, Chapman of Laporte, Duzan, Herriman, Hutton, Jackson, Jones, Lane, Leviston, Major, Rippey, Ritchey, and Wood—16.

So it was

Ordered, That a second committee be appointed on the part of the Senate, for the purpose of considering and adjusting the disagreement of the two Houses on bill of the Senate No. 121.

Ordered, That said committee consist of Messrs. Ritchey and Rippey.

Mr. Ritchey, from the committee of free conference, submitted the following report:

MR. PRESIDENT:

The committee of free conference on the part of the Senate, appointed to meet a like committee on the part of the House, to take into consideration the matters of difference between the two Houses in relation to bill of the House

No. 121. A bill further to extend to the State Bank of Indiana the privilege of issuing notes of a less denomination than five dollars;

Have had the same under consideration, and have directed me to report that they are unable to agree thereon.

They, therefore, ask to be discharged from the further consideration of the subject.

Ordered, That the committee be discharged accordingly.

On motion by Mr. Buell of Dearborn,

Ordered, That the bill lie upon the table.

Message from the House, by Mr. Farquhar, their Clerk:

MR. PRESIDENT:

The House of Representatives have discharged the second committee of free conference on their part, appointed to act with a similar committee on the part of the Senate, to take into consideration the disagreeing votes of the two Houses relative to an engrossed amendment of the House to an engrossed bill of the Senate, entitled,

No. 121. An act to further extend to the State Bank of Indiana the privilege of issuing notes of a less denomination than five dollars.

Message from the House of Representatives, by Mr. Farquhar, their Clerk:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the House disagree to the amendments of the Senate to bill of the House

No. 259. Entitled, an act for the relief of Benjamin H. Scott of Miami county.

I am also directed to inform the Senate that the House concur in the amendments of the Senate to bill of the House

No. 420. Entitled, an act making specific appropriations for the year 1845.

The House has concurred in the amendment of the Senate to bill of the House

No. 91. An act to amend an act entitled an act relative to licensing groceries in the counties of Carroll and Cass, approved 31st January, 1842.

Message from the House, by Mr. Farquhar, their Clerk:

MR. PRESIDENT:

The House of Representatives have receded from their amendment to engrossed bill of the Senate, entitled,

No. 40. An act to repeal an act entitled "an act to change the mode of selecting petit jurors in Jackson and Bartholomew counties, and for other purposes," approved December 29, 1841, so far as it relates to Jackson county.

Message from the House of Representatives, by Mr. Farquhar, their Clerk:

MR. PRESIDENT:

The House of Representatives has passed engrossed bills and joint resolutions thereof of the following titles:

No. 347. An act to revise an act entitled "an act to incorporate the city of Logansport," approved February 17, A. D., 1838;

No. 267. An act to change the time of holding the probate courts in the counties of Martin and Franklin;

No. 131. An act repealing section 76, article 4th, chapter 15 of the school laws of the Revised Code, in the counties of De Kalb and Steuben;

No. 188. An act authorizing the claim of damages against the Madison and Indianapolis railroad company in certain cases therein provided for;

No. 198. A joint resolution relative to the distribution of the proceeds of the sales of the public lands;

No. 211. An act to amend an act entitled an act to provide for the collection of debts due from the Lawrenceburgh and Indianapolis railroad company;

No. 212. An act prescribing a uniform mode of ascertaining, by weight, the quantity of the different kinds of grain that shall pass for a standard bushel in this State;

No. 307. An act in relation to the public debt;

No. 329. An act to change part of a State road in Tippecanoe county;

No. 331. An act to abolish the office of county auditor in certain counties therein named;

No. 336. An act to change the name of the town of New Market, in Miami county, to Chili;

No. 338. An act to repeal part of an act entitled "an act vesting the duties of school commissioner in the county treasurer in certain counties," approved January 15, 1844;

No. 339. An act to locate a State road in Dearborn and Ripley counties;

No. 342. A joint resolution for the relief of the heirs of Henry Martin;

No. 349. An act to revive an act therein named;

No. 351. An act to repeal an act entitled "an act for the relief of the Miami and other Indians," and also the third section of the twenty-eighth chapter of the Revised Statutes;

No. 352. An act to amend the 5th article of the 12th chapter of the Revised Statutes of 1843, so far as relates to the county of Morgan;

No. 270. A joint resolution on the subject of the public lands in the State of Indiana;

No. 286. An act to locate a State road in the counties of Randolph and Delaware;

No. 292. An act establishing a State road in the counties of Putnam and Clay;

No. 298. An act providing for the education of the indigent blind of the State of Indiana;

No. 320. An act for the relief of Alexander Beard;

No. 213. An act to legalize the official acts of Mark Manlove, road commissioner;

No. 214. An act relative to official bonds;

No. 215. An act to encourage female school teachers in the county of Franklin;

No. 218. An act declaring Lick creek, in Owen county, a public highway;

No. 225. An act to amend the probate law;
No. 226. An act for the relief of the poor;
No. 227. An act to change the venue in certain suits instituted by the Vincennes University;
No. 232. An act in relation to the navigation of St. Mary's river;
No. 233. An act to relocate a part of a State road therein named;
No. 234. An act to locate a State road therein named;
No. 239. An act to regulate the attendance of grand jurors in the fifth judicial circuit;
No. 241. An act to prevent the election of public defaulters;
No. 242. An act fixing the fees of jurors in the several counties therein named;
No. 243. An act to locate a certain State road therein named;
No. 244. An act to carry into effect the provisions of a certain act therein named;
No. 246. An act to authorize Mary Ann Bruner of Ripley county to file her bill in the Ripley circuit court, for a divorce from her husband, Joel Bruner;
No. 255. An act to amend the 109th section of the 16th chapter of the Revised Statutes of 1843;
No. 263. An act to incorporate the Indianapolis and Lafayette turnpike company;
No. 356. An act to compel speculators to pay a road tax equal to that paid by actual settlers in the county of Randolph;
No. 357. An act defining the duties of petitioners for the formation of new counties;
No. 358. An act for the relief of Ebenezer A. Goddard of Adams county;
No. 360. An act to amend an act entitled, "An act abolishing the fee for issuiug patents to purchasers of Wabash and Erie canal lands," approved January 13, 1844;
No. 362. An act for the relief of purchasers of school lands in the counties of Randolph and Delaware, belonging to congressional township No. 8, of Monroe county;
No. 365. An act limiting the fees of auditor in the county of Marshall;
No. 366. An act to legalize certain acts of masters in chancery in the counties of Fulton, Marshall, and Laporte, and for other purposes;
No. 367. An act to incorporate the Milltown bridge company;
No. 368. An act allowing additional compensation to the auditor of Monroe county;
No. 372. An act for the relief of the purchasers of lands in the seminary townships in Monroe county;
No. 374. An act concerning releases;
No. 387. A joint resolution to loan a theodolite to Asbury University;
No. 391. An act to correct an error in an act entitled, "An act

to authorize the board doing county business in the county of Clay to transcribe a certain record therein named, and for other purposes," approved February 9, 1843;
No. 418. An act to authorize the superintendent of the Wabash and Erie canal to construct an additional vent or vents to the culvert over the creek in the town of Lagro, in the county of Wabash.

House bill,
No. 347. A bill to revive an act entitled, an act to incorporate the city of Logansport;
House bill,
No. 131. A bill repealing section 76, article 4, chapter 15, of the school laws of the Revised Code, in the counties of DeKalb and Steuben;
House bill,
No. 211. A bill to amend an act entitled, an act to provide for the collection of debts due from the Lawrenceburgh and Indianapolis railroad company;
House bill,
No. 286. A bill to locate a State road in the counties of Randolph and Delaware;
House bill,
No. 292. A bill establishing a State road in the counties of Putnam and Clay;
House bill,
No. 213. A bill to legalize the official acts of Mark Manlove, road commissioner;
House bill,
No. 214. A bill relative to official bonds;
House bill,
No. 218. A bill declaring Lick creek, in Owen county, a public highway;
House bill,
No. 234. A bill to locate a State road therein named;
House bill,
No. 239. A bill to regulate the attendance of grand jurors in the fifth judicial circuit;
House bill,
No. 241. A bill to prevent the election of public defaulters;
House bill,
No. 243. A bill to locate a certain State road therein named;
House bill,
No. 244. A bill to carry into effect the provisions of a certain act therein named;
House bill,
No. 329. A bill to change part of a State road in Tippecanoe county;
House bill,

No. 336. A bill to change the name of the town of New Market in Miami county;

House bill,

No. 338. A bill to repeal part of an act entitled, an act vesting the duties of school commissioner in the county treasurer in certain counties, approved January 15, 1844;

Joint resolution of the House,

No. 342. A joint resolution for the relief of the heirs of Henry Martin;

House bill,

No. 349. A bill to revive an act therein named;

House bill,

No. 352. A bill to amend the fifth article of the twelfth chapter of the Revised Statutes of 1843, so far as relates to the county of Morgan;

House bill,

No. 356. A bill to compel speculators to pay a road tax equal to that paid by actual settlers, in the county of Randolph;

House bill,

No. 357. A bill defining the duties of petitioners for the formation of new counties;

House bill,

No. 358. A bill for the relief of Ebenezer A. Goddard, of Adams county;

House bill,

No. 360. A bill to amend an act entitled, an act abolishing the fee for issuing patents to purchasers of Wabash and Erie canal lands, approved January 13, 1844;

House bill,

No. 362. A bill for the relief of purchasers of school lands in the counties of Randolph and Delaware, belonging to congressional township No. 8, of Monroe county;

House bill,

No. 365. A bill limiting the fees of auditor in the county of Marshall;

House bill,

No. 367. A bill to incorporate the Milltown bridge company;

House bill,

No. 368. A bill allowing additional compensation to the auditor of Monroe county;

House bill,

No. 372. A bill for the relief of the purchasers of lands in the seminary townships in Monroe county;

Joint resolution of the House,

No. 387. A joint resolution to loan a theodolite to Asbury University;

House bill,

No. 391. A bill to correct an error in an act to authorize the board

doing county business in the county of Clay to transcribe a certain record therein named, and for other purposes, approved February 9, 1843;

All contained in the foregoing message,

Were severally read, and,

On motion,

The rule of the Senate was suspended,

The bills and joint resolutions read a second and third times, and passed.

Ordered, That the Secretary inform the House of Representatives thereof.

House bill,

No. 263. A bill to incorporate the Indianapolis and Lafayette turnpike company;

Contained in the above message, was read, and,

On motion by Mr. Orth,

The rule of the Senate was suspended and the bill read a second time.

Mr. Chapman of Laporte moved to amend the bill by adding, as an additional section, the following words:

"The General Assembly reserves the right to repeal, alter, or amend this act of incorporation at any time;"

Which was agreed to, and,

On motion by Mr. Orth,

The rule of the Senate was suspended,

The bill read a third time and passed.

Ordered, That the Secretary inform the House of Representatives thereof, and ask their concurrence in the amendment of the Senate.

House bill,

No. 331. A bill to abolish the office of county auditor in the counties therein named;

Was read, and,

On motion by Mr. Orth,

The rule of the Senate was suspended, the bill read a second time, and ordered to lie upon the table.

House bill,

No. 267. A bill to change the time of holding the probate courts in the counties of Martin and Franklin;

Was read, and,

On motion by Mr. Chapman of Daviess,

The rule of the Senate was suspended and the bill read a second time.

On motion by Mr. Berry,

The word "Franklin" was stricken from the bill, and,

On motion by Mr. Chapman of Daviess,

The rule of the Senate was suspended,

The bill read a third time and passed.

Mr. Chapman of Laporte moved to amend the title of the bill by

striking therefrom the word "counties," and the word "Franklin," and insert in lieu of the word "counties," the word "county;"

Which was agreed to.

Ordered, That the Secretary inform the House of Representatives thereof, and ask their concurrence in the amendments of the Senate.

Joint resolution of the House,

No. 198. A joint resolution relative to the distribution of the proceeds of the sales of public lands;

Was read, and

On motion by Mr. Defrees,

The rule of the Senate was suspended, and

The joint resolution read a second time.

Mr. Lane moved to lay the joint resolution on the table,

The ayes and noes being desired by two Senators,

Those who voted in the affirmative are,

Messrs. Akin, Berry, Buell of Dearborn, Carr, Chapman of Daviess, Chapman of Laporte, Duzan, Herriman, Hutton, Jackson, Jones, Kennedy, Lane, Leviston, Major, Parks, Read, Rippey, Ritchey, Rockhill, Tannehill, and Wood—22.

Those who voted in the negative are,

Messrs. Alexander, Bowers, Bradbury, Buell of Warren, Davis, Defrees, Dole, Ewing, Farmer, Goodenow, Henry, Hodge, Holloway, Moore, Morgan of Decatur, Morgan of Rush, Orth, Pennington, Reyburn, Stanford, and Todd—21.

So the joint resolution was ordered to lie upon the table.

House bill,

No. 212. A bill prescribing a uniform mode of ascertaining by weight, the quantity of the different kinds of grain that shall pass for a standard bushel in this State;

House bill,

No. 188. A bill authorizing the claim of damages against the Madison and Indianapolis rail-road company in certain cases therein provided for;

A joint resolution of the House,

No. 270. A joint resolution on the subject of the public lands in the State of Indiana;

House bill,

No. 298. A bill providing for the education of the indigent blind of the State of Indiana;

House bill,

No. 226. A bill for the relief of the poor;

House bill,

No. 227. A bill to change the venue in certain suits instituted by the Vincennes University;

House bill,

No. 215. A bill to encourage female school teachers in the county of Franklin;

House bill,

No. 233. A bill to relocate a part of a State road therein named;

House bill,

No. 246. A bill to authorize Mary Ann Bruner of Ripley county, to file her bill in the Ripley circuit court, for a divorce from her husband Joel Bruner;

House bill,

No. 255. A bill to amend the 109th section of the 16th chapter of the Revised Statutes of 1843;

House bill,

No. 374. A bill concerning releases;

House bill,

No. 418. A bill to authorize the superintendent of the Wabash and Erie canal to construct an additional vent or vents to the culvert over the creek in the town of Lagro, in the county of Wabash;

House bill,

No. 351. A bill to repeal an act entitled, "an act for the relief of the Miami and other Indians;" and also, the third section of the 28th chapter of the Revised Statutes;

All contained in the foregoing message, were severally read, and

On motion,

The rule of the Senate was suspended,

The bills and joint resolution read severally a second time, and ordered to lie upon the table.

House bill,

No. 320. A bill for the relief of Alexander Beard;

Was read, and

On motion by Mr Dole,

The rule of the Senate was suspended,

And the bill read a second time.

Mr. Major moved to suspend the rule of the Senate,

And read the bill a third time now.

The ayes and noes being desired by two Senators,

Those who voted in the affirmative are,

Messrs. Akin, Alexander, Allison, Berry, Bowers, Bradbury, Buell of Warren, Carr, Chapman of Daviess, Davis, Dole, Duzan, Ewing, Farmer, Goodenow, Hamer, Holloway, Hutton, Jackson, Jones, Kennedy, Lane, Leviston, Major, Moore, Orth, Stanford, Tannehill, Todd, and Wood—30.

Those who voted in the negative are,

Messrs. Buell of Dearborn, Chapman of Laporte, Defrees, Henry,

Herriman, Hodge, Morgan of Decatur, Morgan of Rush, Parks, Pennington, Read, Reyburn, and Rockhill—13.

So the rule was suspended, and

The bill read a third time,

And on the question,

"Shall the bill pass?"

The ayes and noes were desired by two Senators,

And were as follows:

Those who voted in the affirmative are,

Messrs. Akin, Alexander, Allison, Berry, Bowers, Bradbury, Buell of Warren, Carr, Chapman of Daviess, Davis, Dole, Goodenow, Hamer, Holloway, Hutton, Jackson, Kennedy, Lane, Leviston, Major, Orth, Stanford, Tannehill, Todd, and Wood—25.

Those who voted in the negative are,

Messrs. Chapman of Laporte, Defrees, Ewing, Henry, Herriman, Hodge, Morgan of Decatur, Morgan of Rush, Parks, Pennington, Read, Rippey, Ritchey, and Rockhill—14.

So the bill passed.

Ordered, That the Secretary inform the House of Representatives thereof.

House bill,

No. 232. A bill in relation to the navigation of St. Mary's river;

Was read, and

On motion by Mr. Rockhill,

The rule of the Senate was suspended, and

The bill read a second time.

Mr. Rockhill moved to amend the bill by striking therefrom the county of Allen;

Which was agreed to.

On motion by Mr. Rockhill,

The rule of the Senate was suspended,

The bill read a third time, and passed.

Ordered, That the Secretary inform the House of Representatives thereof, and ask their concurrence in the amendment of the Senate.

House bill,

No. 366. A bill to legalize certain acts of masters in chancery in the counties of Fulton, Marshall and Laporte, and for other purposes;

Was read, and

On motion by Mr. Defrees,

The rule of the Senate was suspended, and

The bill read a second time.

Mr. Defrees moved to amend the bill so as to extend its provisions to the county of St. Joseph;

Which was agreed to.

Mr. Orth moved to amend the bill so as to extend its provisions to the county of Tippecanoe;

Which was agreed to.

On motion by Mr. Defrees,

The rule of the Senate was suspended,

The bill read a third time and passed.

Ordered, That the Secretary inform the House of Representatives thereof, and ask their concurrence in the amendments of the Senate.

House bill,

No. 307. A bill in relation the the public debt;

Was read, and

On motion by Mr. Chapman of Laporte,

The rule of the Senate was suspended, and

The bill read a second time.

Mr. Chapman of Laporte moved to amend the bill by striking out the words "his Excellency the Governor," and inserting in lieu thereof "Michael G. Bright, State Agent."

Mr. Defrees moved to lay the bill and amendment on the table;

Upon which,

The ayes and noes being desired by two Senators,

Those who voted in the affirmative are,

Messrs. Alexander, Bowers, Buell of Dearborn, Davis, Defrees, Dole, Farmer, Herriman, Holloway, Hutton, Moore, Pennington, Reyburn, and Todd—14.

Those who voted in the negative are,

Messrs. Akin, Allison, Berry, Buell of Warren, Carr, Chapman of Daviess, Chapman of Laporte, Ewing, Henry, Hodge, Jackson, Jones, Kennedy, Leviston, Morgan of Rush, Parks, Read, Rippey, Ritchey, Rockhill, Stanford, and Tannehill—22.

So the motion was not agreed to.

Mr. Davis moved to lay the amendment on the table.

The ayes and noes being desired by two senators,

Those who voted in the affirmative are,

Messrs. Alexander, Bowers, Buell of Warren, Davis, Defrees, Dole, Ewing, Goodenow, Hodge, Holloway, Moore, Morgan of Rush, Orth, Pennington, and Reyburn—15.

Those who voted in the negative are,

Messrs. Akin, Allison, Berry, Buell of Dearborn, Carr, Chapman of Daviess, Chapman of Laporte, Duzan, Farmer, Henry, Herriman, Hutton, Jackson, Jones, Kennedy, Lane, Leviston, Parks,

Read, Rippey, Ritchey, Rockhill, Stanford, Tannehill, and Todd—25.

So the motion was not agreed to.

The amendment was then adopted, and

On motion by Mr. Akin,

The rule of the Senate was suspended,

The bill read a third time, and passed.

Ordered, That the Secretary inform the House of Representatives thereof, and ask their concurrence in the amendment of the Senate.

On motion by Mr. Morgan of Decatur,

The Senate concurred in the amendment of the House to bill of the Senate,

No. 172. A bill to amend the several acts for the loaning and collecting of the sinking fund, and for other purposes;

House bill,

No. 242. A bill fixing the fees of jurors, in the several counties therein named;

Was read, and

On motion by Mr. Herriman,

The rule of the Senate was suspended, and

The bill read a second time.

Mr. Herriman moved to amend the bill so as to embrace within its provisions, the counties of Dekalb and Steuben;

Which was agreed to.

Mr. Defrees moved to amend the bill so as to embrace within its provisions the county of St. Joseph;

Which was agreed to.

On motion by Mr. Defrees,

The rule of the Senate was suspended,

The bill read a third time, and passed.

Ordered, That the Secretary inform the House of Representatives thereof, and ask their concurrence in the amendments of the Senate.

Message from the House by Mr. Farquhar, their Clerk:

MR. PRESIDENT:

The House has passed an engrossed bill of the Senate, of the following title:

No. 126. An act to incorporate the Crawfordsville and Wabash rail road company;

With one amendment;

In which amendment, the concurrence of the Senate is respectfully requested.

The House have concurred in the amendments of the Senate, to bills of the House of the following titles:

No. 40. An act fixing the time of holding courts in the eighth judicial circuit;

No. 66. An act for the relief of Abigail C. Hovey and Lorenzo D. Hovey, of Carroll county;

No. 72. An act to confine voters to their respective townships;

No. 92. An act authorizing the auditors of Vanderburgh and Gibson counties, to call the boards of county commissioners together, to hold special sessions in said counties;

No. 181. An act relating to the selling of clocks and other property by religious or education societies.

On motion by Mr. Herriman,

The Senate concurred in the amendment of the House, to bill of the Senate,

No. 126. A bill to incorporate the Crawfordsville and Wabash rail road company.

Message from the House of Representatives, by Mr. Farquhar, their Clerk:

MR. PRESIDENT:

The House has passed engrossed bills thereof, of the following titles, to-wit:

No. 123. An act to extend the time of payment upon the sales of canal lands, east of Tippecanoe river;

No. 300. An act to vacate a part of a State road therein named;

No. 306. An act giving to the borrowers of the sinking fund and other funds of the State, further time to make payment;

No. 327. An act relating to the auditor of Washington county;

No. 333. An act to locate a State road from Nathan Hollowell's to Orleans, in Orange county;

No. 334. An act in relation to an alley in Georgetown, Floyd county;

No. 337. An act to locate a State road in Sullivan county.

Mr. Wood moved to take from the table, House bill,

No. 233. A bill to relocate a part of a State road therein named;

Which was agreed to, and,

On motion by Mr. Wood,

The rule of the Senate was suspended,

The bill read a third time and passed.

Ordered, That the Secretary inform the House of Representatives thereof.

House bill,

No. 123. A bill to extend the time of payment upon the sales of canal lands, east of Tippecanoe river;

Was read, and,

On motion by Mr. Orth,

The rule of the Senate was suspended, the bill read a second time, and ordered to lie upon the table.

On motion by Mr. Herriman,

Resolved, That the Senate now adjourn until 8 o'clock this evening.

And the Senate adjourned.

8 *o'clock, P. M.*

The Senate assembled.

House bill,
No. 337. A bill to locate a State road in Sullivan county;
Was read, and,
On motion by Mr. Akin,
The rule of the Senate was suspended,
The bill read a second and third times, and passed.
Ordered, That the Secretary inform the House of Representatives thereof.
House bill,
No. 189. A bill to extend the time to the collectors of Bartholomew and Delaware counties, to settle the county and State revenue of said counties, for the year 1844.
On motion by Mr. Hodge,
The rule of the Senate was suspended,
The bill read a third time, and passed.
Ordered, That the Secretary inform the House of Representatives thereof.
Message from the House, by Mr. Blakemore, one of the members:

MR. PRESIDENT:

The House of Representatives have concurred in the amendments of the Senate, to House bills of the following titles:
No. 364. An act to enable the county board of Putnam county, to make a compromise with the collector of taxes;
No. 242. An act fixing the fees of jurors in the several counties therein named;
No. 232. An act in relation to the navigation of the St. Mary's river;
And the House refuse to concur in the amendments of the Senate to the bill of the House,
No. 263. An act to incorporate the Indianapolis and Lafayette turnpike company.

On motion by Mr. Todd,
House bill,
No. 311. A bill to incorporate the Indianapolis and Andersontown canal company;
Was taken from the table.
Mr. Herriman moved to amend the bill, by adding as an additional section, the following words:
"The General Assembly reserves the right to repeal, alter or amend this act of incorporation at any time;"

Which was agreed to, and,
On motion by Mr. Buell of Dearborn,
Ordered, That said bill lie upon the table.
House bill,
No. 364. A bill to enable the county board of Putnam county to make a compromise with the collector of taxes;
Was read, and,
On motion by Mr. Hutton,
The rule of the Senate was suspended, and the bill read a second time.
Mr. Buell of Dearborn moved to amend the bill, by "excepting State taxes,"
Which was agreed to.
On motion by Mr. Hutton,
The rule of the Senate was further suspended,
The bill read a third time, and passed.
Ordered, That the Secretary inform the House of Representatives thereof.
Message from the House, by Mr. Farquhar, their Clerk:

MR. PRESIDENT:

I am directed by the House of Representatives, to inform the Senate, that the House disagrees to the amendment of the Senate, to bill of the House No. 385, entitled "An act to incorporate the College corner and Centreville turnpike company."
The House has concurred in the amendment of the Senate, to bill of the House, No. 409, entitled "An act to incorporate the Newcastle and Andersontown turnpike company;"
And also they have concurred in the amendments of the Senate to the following bills:
No. 422. An act to incorporate the Michigan road company, south of Indianapolis;
No. 264. An act to incorporate the Michigan road company.

Mr. Davis, from the joint committee on enrolled bills, submitted the following report:

MR. PRESIDENT:

The committee on enrolled bills have compared the following enrolled with the engrossed bills of the Senate, and find the same correctly enrolled:
No. 138. A bill to repeal an act entitled, an act to amend an act entitled, an act granting to the citizens of Madison and the town of Lawrenceburgh a city charter, approved January 15, 1844;
No. 248. A bill for the distribution and sale of the surplus copies of the Revised Statutes of 1843;

No. 235. A joint resolution in relation to exchanging documents with other States;
No. 270. A bill to vacate Canal street, in the town of Lockport, Carroll county;
No. 255. A bill fixing the times of holding probate courts in the county of Greene;
No. 249. A bill to legalize the assignment of certificates to certain school lands in this State;
No. 258. A bill for the relief of Parmenter M. Parks;
No. 233. A joint resolution praying a grant of lands to construct the Northern Cross Railroad, in the States of Illinois and Indiana;
No. 40. A bill to repeal an act entitled, an act to change the mode of selecting petit jurors in Jackson and Bartholomew counties, and for other purposes, approved December 29, 1841, so far as it relates to Jackson county.

A message from the House of Representatives by Mr. Farquhar, their Clerk:

MR. PRESIDENT:

The House of Representatives have passed an engrossed bill of the Senate as follows:
No. 6. An act for the relief of Pierre (alias Peter) Duponcin, of Knox county;
With one amendment.
In which amendment I am directed to ask respectfully the concurrence of the Senate.

On motion by Mr. Ewing,
The Senate concurred in the amendment of the House of Representatives to the engrossed bill contained in the foregoing message.
Ordered, That the Secretary inform the House of Representatives accordingly.

Mr. Davis, from the joint committee on enrolled bills, submitted the following report:

MR. PRESIDENT:

The joint committee on enrolled bills have compared the following enrolled with the engrossed bills of the Senate, and find the same correctly enrolled:
No. 6. A bill for the relief of Pierre (alias Peter) Duponcin, of Knox county;
No. 250. An act to authorize the election of a school commissioner in township 9, range 1 west, in Franklin county;
No. 172. An act to amend the several acts for the loaning and collecting of the sinking fund, and for other purposes;

No. 256. An act regulating the issuing of writs of supersedeas;
No. 177. An act more effectually to enable supervisors to open and keep in repair public highways;
No. 193. A joint resolution for the relief of David T. Yeakel and Elizur Deming.

Mr. Allison, from the joint committee on enrolled bills, submitted the following report:

MR. PRESIDENT:

The committee on enrolled bills have compared the following enrolled with the engrossed bills of the Senate, and find them correctly enrolled:
No. 138. An act to repeal an act entitled, an act to amend an act entitled, an act granting to the citizens of Madison and the town of Lawrenceburgh a city charter;
No. 248. An act providing for the distribution and sale of the surplus copies of the Revised Statutes of 1843;
No. 235. A joint resolution in relation to the exchanging of documents with other States;
No. 270. An act to vacate Canal street, in the town of Lockport, Carroll county;
No. 255. An act fixing the time of holding probate courts in the county of Greene;
No. 249. An act to legalize the assignment of certificates to certain school lands in this State.

Mr. Davis, from the joint committee on enrolled bills, submitted the following report:

MR. PRESIDENT:

The committee on enrolled bills have compared the following enrolled with the engrossed bills of the Senate, and find them correctly enrolled, to-wit:
No. 199. An act to establish a free turnpike road in Jay county;
No. 120. An act for the relief of Elijah Masters, of Daviess county;
No. 107. An act to extend an act entitled, an act to revive and amend an act entitled, an act for the relief of settlers on the Wabash and Erie canal lands, approved February 24, 1840—approved January 15, 1844;
No. 182. An act to provide for procuring a suitable site for the erection of a State lunatic asylum;
No. 242. An act for the relief of James Silvers of Rush county;
No. 132. An act to require the Auditor and Treasurer of State to annex a list of defaulters to their annual reports;

No. 48. An act to ratify the proceedings of the common council of the city of Fort Wayne;

No. 153. An act to authorize the purchase of real estate by Geo. W. Lane;

No. 123. An act to revive in part the first section of the eighth chapter of an act entitled, an act incorporating congressional townships and providing for schools therein, approved February 17, 1838.

Mr. Duzan, from the joint committee on enrolled bills, submitted the following report:

MR. PRESIDENT:

The committee on enrolled bills have compared the following enrolled with engrossed bills of the Senate, and have found the same correctly enrolled, to-wit:

No. 192. An act to establish a free turnpike road in the county of Adams;

No. 152. An act to incorporate the Lafayette and Ohio turnpike company;

No. 195. An act authorizing Joseph Quinn and James Norvell to erect toll bridges;

No. 204. An act for the relief of purchasers of seminary lands in Monroe county;

No. 213. An act amendatory to an act entitled, an act to incorporate the Monroe county female seminary, approved January 22, 1833;

No. 218. An act relative to overseers of the poor, in Ripley county;

No. 186. An act to incorporate the Noland's Fork canal company;

No. 179. An act to incorporate the Silver creek bridge company;

No. 217. An act to incorporate the Valparaiso turnpike company;

Mr. Davis, from the joint committee on enrolled bills, submitted the following report:

MR. PRESIDENT:

The committee on enrolled bills report that they have compared the following enrolled with the engrossed bills and find them correctly enrolled, viz:

No. 97. An act to declare a certain road therein named a State road;

No. 102. An act to amend an act entitled an act to incorporate the Princeton library company;

No. 105. An act declaratory of the meaning of the 29th section of the 3rd article of the 31st chapter of the Revised Statutes of 1843;

No. 79. An act to repeal an act for the better improvement of the important State roads in the counties of Allen, De Kalb, Noble, Huntington, and Wells, approved January 15, 1844;

No. 71. An act in relation to sales of real estate by executors and administrators;

No. 70. An act to locate a State road in Allen county;

No. 69. An act to extend the June term of the board doing county business in the county of Randolph;

No. 92. An act to amend an act therein named;

No. 104. An act to amend article 4, chapter 45, of the Revised Statutes of 1843;

No. 51. An act defining the duties of county treasurers in certain cases;

No. 52. An act to change the time of holding probate courts in Dearborn county;

No. 53. An act to legalize the proceedings of the board of county commissioners of Daviess county;

No. 63. An act to restrict the county commissioners in the counties of Lagrange and Noble, in levying a tax, to fifty cents on the one hundred dollars valuation;

No. 64. An act in relation to school commissioners;

No. 32. An act for the relief of Isaiah W. Cron and Daniel McCoughan;

No. 47. An act to incorporate a Presbyterian church in Wells county;

No. 98. An act to secure to recorders their fees in certain cases;

No. 42. An act to extend certain privileges in an act herein named;

No. 34. A joint resolution in relation to the improvement of the Wabash river;

No. 135. An act for the benefit of bail for the stay of execution;

No. 16. An act to amend an act entitled an act to incorporate the Lawrenceburgh and Napoleon turnpike company, approved February 16, 1840;

No. 239. A joint resolution on the subject of repudiating State debts;

Mr. Allison, from the joint committee on enrolled bills, submitted the following report:

MR. PRESIDENT:

The committee on enrolled bills have directed me to report that they have compared the following enrolled with the engrossed bills of the Senate and find them correctly enrolled:

No. 183. An act to legalize the proceedings of Stevens Casey;

No. 190. An act abolishing the office of county auditor in the county of Blackford;

No. 188. An act to change the time of holding probate courts in the county of Ripley;

No. 106. An act prescribing an uniform mode of ascertaining, by weight, the quantity of the different kinds of grain that shall pass for a standard bushel in this State;

No. 180. An act to repeal part of an act entitled "an act to change the mode of doing county business in the counties of Warrick and Dubois," approved February 11, 1843;

No. 173. An act to amend the second article of the forty-second chapter of the Revised Statutes of 1843:

No. 168. An act to amend an act to incorporate the College Corner and Liberty turnpike company, and the Liberty and Abbington turnpike company, approved January 15, 1844;

No. 160. An act to authorize the re-valuation of land in Crawford county;

No. 19. An act to authorize the treasurer of Dubois county to perform the duties of school commissioner;

No. 164. An act in relation to the county auditor and treasurer of Elkhart county;

No. 169. An act to incorporate the Laporte county mutual insurance company;

No. 50. An act to incorporate the German military band of Indianapolis;

No. 108. An act to legalize certain school loans in the county of Daviess:

No. 67. An act to amend an act entitled "an act to authorize the sale of certain land in Dubois county;"

All of which originated in the Senate.

Mr. Jones, from the committee on enrolled bills, submitted the following report:

MR. PRESIDENT:

The committee on enrolled bills have compared the following enrolled with the engrossed bills and resolutions of the Senate, and find the same correctly enrolled, to-wit:

No. 175. An act in relation to the county seminary fund in Laporte county;

No. 206. An act to amend an act to incorporate the town of Aurora, approved February 18, 1839:

No. 264. An act for the relief of Juddy Whisman;

No. 247. An act to incorporate the church of the United Brethren, or Moravians, and to legalize the election and acts of trustees thereof;

123. An act to revive in part the first section of the eighth chapter of an act entitled an act incorporating congressional townships and providing for schools therein, approved February 17, 1838;

No. 129. An act subjecting equitable interest in school lands to sale on execution;

240. An act incorporating the Ciceronean Society of Franklin college;

119. An act to authorize the re-occupation, by the original proprietor, of lands set off to the use of the State under the various acts in relation to internal improvements;

No. 139. An act to amend an act entitled an act to incorporate the Perrysville canal lock company, approved February 12, 1844, and to correct a misprint therein;

No. 31. A joint resolution in relation to the completion of the Wabash and Ohio canal.

Mr. Davis, from the committee on enrolled bills, submitted the following report:

MR. PRESIDENT:

The committee on enrolled bills have compared and examined the following bills, and find them correctly enrolled, to-wit:

No. 163. An act concerning certain conveyances therein named;

No. 137. An act for the relief of Henry Pittenger;

No. 251. An act authorizing the location of a State road in the county of Daviess;

No. 167. An act in relation to the expenses of removal on change of venue in civil cases;

No. 267. An act in relation to school district No. 1, in congressional township No. 15;

No. 259. An act authorizing the superintendent of the New Albany and Vincennes road, to report to the Auditor of State, and authorizing the auditing of reports heretofore made to the Treasurer;

No. 219. An act to incorporate the Philalethean Literary Society of South Hanover college;

No. 262. An act for the relief of George H. Dunn;

No. 264. An act for the relief of Juddy Whisman;

No. 206. An act to amend an act incorporating the town of Aurora;

No. 175. An act in relation to the county seminary fund of Laporte county;

No. 189. An act for the relief of Lewis Orth, David Wade and James Thomas;

No. 245. An act for the relief of Thomas Murphy;

No. 268. An act to amend an act, entitled "an act to incorporate the trustees of the Laporte University," approved January 30th, 1842;

Message from the House, by Mr. Farquhar, their Clerk:

MR. PRESIDENT:

The House of Representatives has concurred in the amendment of the Senate to bill of the House,

No. 366. An act to legalize certain acts of masters in chancery, in the counties of Fulton, Marshall and Laporte, and for other purposes.

Message from the House of Representatives, by Mr. Farquhar, their clerk:

MR. PRESIDENT:

The Speaker has signed the following enrolled bills:

No. 171. An act in relation to justices and other officers in Laporte county;

No. 409. An act to incorporate the New Castle and Andersontown turnpike company;

No. 131. An act repealing section 76th, article 4th, chapter 15th, of the school laws of the Revised Code, in the counties of De Kalb and Steuben;

No. 151. An act declaring Deer creek, from its junction with the Ohio river, to Shubal C. Little's mill, a public highway; also the west fork of the same stream, from its junction with Deer creek to Shubal C. Little's mill seat on the same, all in Perry county;

No. 175. An act fixing a certain annual compensation to the auditor of Hamilton county;

No. 185. An act to allow a bounty on wolf scalps;

No. 279. An act to regulate the mode of doing township business in the county of Elkhart;

No. 194. An act providing for the location of a State road in Randolph and Jay counties;

No. 379. An act making general appropriations for the year 1845;

No. 211. An act to amend an act, entitled "An act to provide for the collection of debts due from the Lawrenceburgh and Indianapolis railroad company;

No. 40. An act fixing the time of holding courts in the eighth judicial circuit, and for other purposes;

No. 204. An act incorporating the Kosciusko and Allen turnpike company;

No. 370. An act to amend an act, entitled "An act for the relief of David D. Weddle of Brown county," approved January 13th, 1844;

No. 206. An act correcting the boundary line of Richardville county;

No. 190. An act to locate a State road therein named;

No. 202. An act to legalize the selecting, drawing, &c., of the grand and petit jurors for the county of Daviess;

No. 412. An act relative to the school fund in township No. 10, north of range No. 1 west, in Monroe county;

No. 397. An act to do justice to the people of Martin county;

No. 324. An act authorizing copies of State documents to be furnished to the New York Historical Society;

No. 357. An act defining the duties of petitioners for the formation of new counties;

Which I am directed to bring to the Senate for the signature of the President:

And thereupon the President affixed his signature to said enrolled bills, and they were delivered to the committee on enrolled bills, to be presented to his Excellency the Governor, for his approval and signature.

Message from the House, by Mr. Farquhar, their clerk:

MR. PRESIDENT:

I am directed by the House of Representatives, to inform the Senate that the House have passed, without amendment, bills of the Senate of the following titles, to-wit:

No. 270. An act to vacate Canal street, in the town of Lockport, Carroll county;

No. 248. An act for the distribution and sale of the surplus copies of the Revised Statutes of 1843;

No. 255. An act fixing the terms of holding probate courts in the county of Greene;

No. 249. An act to legalize the assignment of certificates to certain school lands in this State;

No. 251. An act authorizing the location of a State road in Daviess county;

No. 256. An act regulating the issuing of writs of supersedeas;

No. 250. An act to authorize the election of a school commissioner in Township nine, range one west, in Franklin county;

No. 258. An act for the relief of Parmenter M. Parks.

Message from the House, by Mr. Farquhar, their Clerk;

MR. PRESIDENT:

The Speaker of the House of Representatives has signed enrolled bills of the Senate, of the following titles, which I am directed to bring to the Senate, for the signature of its President, to-wit:

No. 107. An act to extend an act, entitled "An act to revive and amend an act, entitled 'An act for the relief of settlers on the Wabash and Erie canal lands,'" approved February 24, 1840, approved January 15, 1844;

No. 197. An act to amend an act, entitled "An act to reduce the

tolls on the New Albany and Vincennes road, and for other purposes," approved January 13th, 1844;

No. 199. An act to establish a free turnpike road in Jay county;

No. 182. An act to provide for procuring a suitable site for the erection of a State lunatic asylum;

No. 242. An act for the relief of James Silvers, of Rush county;

No. 120. An act for the relief of Elijah Masters, of Daviess county;

No. 132. An act to require the Auditor and Treasurer of State to annex a list of defaulters to their annual reports;

No. 48. An act to ratify the proceedings of the common council of the city of Fort Wayne;

No. 153. An act to authorize the purchase of real estate, by George W. Lane;

No. 139. An act to amend an act, entitled "An act to incorporate the Perrysville canal lock company," approved February 12, 1844, and to correct a misprint therein;

No. 119. An act to authorize the relocation (by the original proprietor) of lands set off to the use of the State under the various acts in relation to internal improvements;

No. 240. An act incorporating the Ciceronean society of Franklin College;

No. 129. An act subjecting equitable interests in school lands to sale on execution;

No. 123. An act to revive in part the first section of the eighth chapter of an act, entitled "An act incorporating Congressional townships, and providing for schools therein," approved February 17, 1838;

No. 247. An act to incorporate the church of the United Brethren or Moravians, and to legalize the election and acts of the trustees thereof;

Also a joint resolution of the Senate, entitled:

No. 31. A joint resolution in relation to the completion of the Wabash and Ohio canal;

Also the following enrolled bills, entitled acts, which originated in the House of Representatives, to-wit:

No. 35. An act for the incorporation of the town of Lafayette, in Tippecanoe county;

No. 222. An act to amend an act, entitled "An act to provide for the continuance of the construction of all, or any part of the public works of the State by private companies, and for abolishing the board of internal improvements, and the offices of fund commissioner and chief engineer," approved January 28, 1842;

No. 117. An act for the relief of William G. Pomeroy;

No. 261. An act to vacate a part of a certain State road in the county of Wayne.

And thereupon the President affixed his signature to said enrolled bills, and they were delivered to the joint committee on enrolled bills, to be presented to his Excellency the Governor, for his approval and signature.

Message from the House of Representatives, by Mr. Farquhar, their Clerk:

MR. PRESIDENT:

The Speaker of the House of Representatives has signed the following enrolled bills, entitled acts, which I am directed to bring to the Senate for the signature of its President, to-wit:

No. 259. An act directing the superintendent of the New Albany and Vincennes road, to report to the Auditor of State, and authorizing the auditing of reports heretofore made to the Treasurer;

No. 219. An act to incorporate the Philalethean Literary Society of Hanover college;

No. 262. An act for the relief of George H. Dunn;

No. 264. An act for the relief of Juddy Whisman;

No. 206. An act to amend an act to incorporate the town of Aurora, approved February 18, 1839;

No. 175. An act in relation to the county seminary fund of Laporte county;

No. 189. An act for the benefit of Lewis Orth, David Wade and James Thomas;

No. 245. An act for the relief of Thomas Murphy;

No. 268. An act to amend an act, entitled "An act to incorporate the trustees of the Laporte University," approved January 20, 1842;

And thereupon the President affixed his signature to said enrolled bills, and they were delivered to the joint committee on enrolled bills, to be submitted to his Excellency the Governor, for his approval and signature.

Message from the House of Representatives by Mr. Farquhar, their Clerk:

MR. PRESIDENT:

The House of Representatives has agreed to the amendments of the Senate to engrossed bills of the House:

No. 380. An act to raise a revenue for State purposes;

No. 117. An act for the relief of the State of Indiana, and for other purposes;

No. 222. An act to amend an act to provide for the continuance of the construction of all or any part of the public works of this State by private companies, and for abolishing the board of internal improvements, and the offices of fund commissioner and chief engineer, approved January 28, 1842.

A message from the House of Representatives by Mr. Farquhar, their Clerk:

MR. PRESIDENT:

The House of Representatives has passed engrossed bills of the Senate, without amendment, of the following titles:

No. 16. An act to amend an act entitled, an act to incorporate the Lawrenceburgh and Napoleon turnpike company, approved Feb. 18, 1840;

No. 19. An act relative to the county treasurer of Dubois county;

No. 32. An act for the relief of Isaiah W. Cron and Daniel McCaughan;

No. 42. An act to extend certain privileges in an act herein named;

No. 47. An act to incorporate a Presbyterian church in Wells county;

No. 50. An act to incorporate the German Military Band of Indianapolis;

No. 51. An act defining the duties of county treasurers in certain cases;

No. 52. An act to change the time of holding probate courts in Dearborn county;

No. 53. An act legalizing the proceedings of the board of commissioners of Daviess county;

No. 62. An act to restrict the county commissioners of the counties of Noble and Lagrange to fifty cents on the one hundred dollars valuation;

No. 64. An act in relation to school commissioners;

No. 67. An act to amend an act entitled, an act authorizing the sale of certain land in Dubois county;

No. 69. An act to extend the June term of the board doing county business in the county of Randolph;

No. 70. An act to locate a State road in Allen county;

No. 71. An act in relation to sale of real estate by executors and administrators;

No. 79. An act to repeal an act entitled, an act for the better improvement of the important State roads in the counties of Allen, Dekalb, Noble, Huntington, and Wells, approved Jan. 15, 1844;

No. 92. An act to amend an act therein named;

No. 97. An act to declare a certain road therein named a State road;

No. 98. An act to secure to recorders their fees in certain cases;

No. 102. An act to amend an act entitled, an act to incorporate the Princeton library company;

No. 104. An act to amend article 4, chapter 45, of the Revised Statutes of 1843;

No. 105. An act declaratory of the meaning of section 29, chapter 3, article 3, Revised Statutes of 1843;

No. 106. An act prescribing a uniform mode of ascertaining by weight the quantity of the different kinds of grain that shall pass for a standard bushel in this State;

No. 107. An act to extend an act entitled, an act to revive and amend an act entitled, an act for the relief of settlers on the Wabash and Erie canal lands, approved Feb. 24, 1840—approved Jan. 15, 1844;

No. 108. An act to legalize certain school loans in the county of Daviess;

No. 119. An act to authorize the re-occupation by the original proprietors of the lands set off to the use of the State, under the various acts relating to internal improvements;

No. 120. An act for the relief of Elijah Masters, of Daviess county;

No. 197. An act to amend an act entitled, an act to reduce the tolls on the New Albany and Vincennes road, and for other purposes, approved January 13, 1844;

No. 199. An act to establish a free turnpike road in Jay county;

No. 123. An act to revive in part the first section of the eighth chapter of an act entitled, an act incorporating congressional townships, and providing for public schools therein, approved February 17, 1838;

No. 129. An act subjecting equitable interests in school lands to sale on execution;

No. 132. An act to require the Auditor and Treasurer of State to annex a list of defaulters to their annual reports;

No. 135. An act for the benefit of bail for the stay of execution;

No. 138. An act to repeal an act entitled, an act to amend an act entitled, an act granting to the citizens of Madison and the town of Lawrenceburgh a city charter, approved January 25, 1844;

No. 153. An act to authorize the purchase of real estate by Geo. W. Lane;

No. 169. An act to incorporate the Laporte county mutual insurance company;

No. 189. An act for the relief of Lewis Orth, David Wade, and James Thomas;

No. 219. An act to incorporate the Philalethian Literary Society of South Hanover College;

No. 188. An act to change the time of holding probate courts in the county of Ripley;

No. 177. An act more effectually to enable supervisors to open and keep in repair highways;

No. 139. An act to amend an act entitled, an act to incorporate the Perrysville canal lock company, approved February 12, 1844, and to correct a misprint therein;

No. 182. An act to provide for procuring a suitable site for the erection of a State lunatic asylum;

No. 247. An act to incorporate the church of the United Brethren or Moravians, and to legalize the election and acts of the trustees thereof;

No. 48. An act to ratify the proceedings of the common council of the city of Fort Wayne;

No. 240. An act incorporating the Ciceronian Society of Franklin College;

No. 242. An act for the relief of James Silvers, of Rush county;

No. 245. An act for the relief of Thomas Murphy.

The House has also passed the following engrossed joint resolutions of the Senate, to-wit:

No. 31. A joint resolution in relation to the completion of the Wabash and Ohio canal;

No. 34. A joint resolution in relation to the improvement of the Wabash river;

No. 239. A joint resolution on the subject of repudiating State debts.

Message from the House of Representatives by Mr. Farquhar, their Clerk:

MR. PRESIDENT:

The Speaker has signed enrolled bills of the House entitled as follows:

No. 45. An act to authorize supervisors to purchase suitable tools to work the roads with;

No. 65. An act to incorporate the Terre Haute draw-bridge company;

No. 70. An act to authorize William Jones and Harvey Hoover to construct a dam across the Wabash river;

No. 114. An act to authorize the borrowers of the congressional township fund to secure their loans by lands within the proper congressional townships;

No. 119. An act to amend an act entitled, an act to amend an act entitled, an act to incorporate the Vevay and Napoleon and other turnpike companies, approved January 8, 1836—approved January 15, 1844;

No. 126. An act to abolish the office of county auditor in the county of Orange;

No. 180. An act fixing the time of holding courts in the fifth judicial circuit;

No. 238. An act for the extension of the time of holding the probate court in the county of Allen, and for other purposes;

No. 268. An act to locate a State road in the counties of Vermillion and Vigo;

No. 272. A joint resolution in relation to a law of the State of New York, permitting a drawback upon salt of her manufacture introduced within this State;

No. 302. An act for the relief of Joanna Mahoney;

No. 305. An act for the relief of George French, of the county of Adams.

The Speaker has also signed enrolled bills of the Senate as follows:

No. 39. An act to amend an act entitled, an act for the benefit of persons who are likely to suffer by the destruction of the records of Miami county by fire, and to provide for the election of a commissioner to restore said records;

No. 93. An act providing for the distribution of the saline and bank tax funds among the several counties in this State;

No. 165. An act for the relief of Benoni Stinson and George W. Miller, trustees of school district No. 4, in Vanderburgh county;

No. 181. An act to incorporate the Lafayette bridge company;

No. 196. An act for the relief of the administrators of John Sims, deceased, late of Morgan county, and for the benefit of the creditors of the said John Sims, deceased;

No. 200. An act for the relief of Alfred Miles and Mary his wife;

No. 202. An act for the relief of Elijah Rieves;

No. 208. An act to extend the terms of the Montgomery Probate court:

No. 210. An act to extend the time of payment to purchasers of school lands and borrowers of the school funds;

No. 222. An act to vacate a certain part of the town of Numa, in the county of Parke;

No. 226. An act authorizing the president and council of the town of Lawrenceburgh to subscribe for and take part of the capital stock of the Lawrenceburgh and Napoleon turnpike company;

No. 246. An act to amend an act entitled "an act to incorporate the Buffalo and Mississippi railroad company, approved February 6, 1835," and all acts amendatory thereto.

All which I am directed to bring to the Senate for the signature of the President.

And thereupon the President affixed his signature to the said enrolled bills;

And they were delivered to the joint committee on enrolled bills to be submitted to His Excellency the Governor, for his approval and signature.

Message from the House of Representatives, by Mr. Farquhar, their clerk:

MR. PRESIDENT:

I am directed to inform the Senate that the House has passed a resolution rescinding for the remainder of the session, the 17th joint

rule for conducting business in the two Houses of the General Assembly of the State of Indiana, which said joint rule reads as follows:

"No bill that shall have passed one House shall be sent for concurrence to the other on the last day of the session."

In which, said resolution of the House, I am requested respectfully to ask the concurrence of the Senate.

On motion by Mr. Chapman of Laporte,

(Pursuant to notice,)

Resolved, That the Senate reciprocate the foregoing resolution of the House and that they be informed thereof.

Message from the House of Representatives, by Mr. Farquhar, their clerk:

MR. PRESIDENT:

The Speaker of the House of Representatives has signed the following enrolled bills and joint resolutions to-wit:

No. 316. An act for the relief of the securities of Daniel Carle;

No. 322. An act declaring big Blue river a public highway;

No. 348. An act to locate a State road from Peru to Canton, and also, to locate a State road from Kocomo in Richardville county, to Frankfort in Clinton county;

No. 94. An act to authorize Abraham J. Hostetler to sell and convey real estate;

No. 57. A joint resolution on the subject of the refuse public lands in Indiana;

No. 399. An act to vacate the town of Berlin in the county of Fayette;

No. 325. An act to authorize the school commissioner of Porter county to sell a certain tract of land to Benjamin N. Spencer, Chas. E. DeWolf and Joseph Bartholomew;

No. 156. An act for the relief of Milton Stapp;

No. 89. An act to extend the time of the session of the board of commissioners of Bartholomew county, and for other purposes;

No. 225. An act to divide the county of Dearborn into county commissioner's districts.

No. — An act relative to overseers of the poor in Ripley county;

No. 186. An act to incorporate the Nowland's Fork canal company;

No. 50. An act for the relief of John Sankey of Vigo county, Indiana;

No. 217. An act to incorporate the Valparaiso turnpike company;

No. 305. An act for the relief of George French of the county of Adams;

No. 319. An act to locate a State road in the county of Marshall;

No. 12. An act for the incorporation of the Philadelphia Industrial Association of St. Joseph county, Indiana.

No. 179. An act to incorporate the Silver creek bridge company;

No. 313. An act amendatory to an act entitled, "an act to incorporate the Monroe county Female Seminary," approved January 22d, 1833;

No. 204. An act for the relief of purchasers of Seminary lands in Monroe county;

No. 195. An act authorizing Joseph Quinn and James Norvell to erect toll bridges;

No. 192. An act to establish a free turnpike road in the county of Adams;

No. 152. An act to incorporate the Lafayette and Ohio turnpike company;

No. 323. An act incorporate the town of Bloomington in the county of Monroe;

No. 158. An act to extend the time of holding the probate court in Montgomery county;

No. 209. An act regulating the jurisdiction of justices of the peace in Lake and Porter counties;

No. 317. An act to locate a State road therein named;

No. 318. An act to change a certain State road therein named, in the county of Elkhart;

No. 64. An act to authorize sale of school section in town four, range ten, in Jefferson county;

No. 276. An act to regulate judicial notices in the county of Daviess;

No. 85. An act to repeal an act entitled, "an act to lay out and open a State road in the counties of Dearborn and Ripley," approved February 1st, 1834;

No. 109. An act to amend article 4, chapter 45, of the Revised Statutes of 1843;

No. 76. An act to change the name of Susanna Poe to Susanna Cundale;

No. 197. A joint resolution with regard to the exhibition of the pupils of the Kentucky Institution for the education of the blind;

No. 16. An act to amend the several acts now in force relative to the discharge of the duties of school commissioners in the counties of Perry, Fulton and Marshall;

No. 41. An act limiting the fees of sheriff for extra services in the county of Marshall;

No. 43. An act declaring Black creek, in the county of Greene, a navigable stream;

No. 128. An act to amend an act entitled, "an act to incorporate the Warren county canal company," approved January 15th, 1844;

No. 257. An act changing the mode of doing county business in the county of Brown;

Also, a joint resolution,

No. 271. A joint resolution of the General Assembly of the State of Indiana;

All of which originated in the House of Representatives;

The Speaker has also signed acts which originated in the Senate, of the following titles, to-wit:

No. 128. An act to amend an act to incorporate the University of Notre Dame du Lac, at South Bend, in St. Joseph county, Indiana;

No. 140. An act repealing certain acts relative to the establishment of bank districts;

No. 144. An act to continue in force an act entitled "an act to incorporate the Brookville and Richmond canal company," approved February 17, 1838;

No. 147. An act to change the name of Muncietown;

No. 148. An act to locate a certain State road therein named in Orange county;

No. 150. An act for the relief of the heirs and devisees of Francis Grodfroy, deceased;

No. 157. An act providing for the distribution of the road tax paid into the State Treasury by the several branches of the State Bank;

No. 159. An act to locate a State road in the counties of Martin and Orange;

No. 214. An act to amend an act entitled, "An act to incorporate the Cambridge City and Venice Turnpike Company;" approved February 6, 1843;

No. 224. An act in relation to water power on the Wabash and Erie canal;

No. 227. An act authorizing a change in the application of water power at dam No. 1, near the forks of the Wabash;

No. 241. An act for the benefit of the clerk of St. Joseph county;

No. 390. A joint resolution on the subject of the Wabash and Erie canal;

All of which I am directed to bring to the Senate for the signature of its President.

And thereupon the President affixed his signature to said enrolled bills, and they were delivered to the joint committee on enrolled bills to be submitted to his Excellency, the Governor, for his approval and signature.

Message from the House of Representatives, by Mr. Farquhar, their Clerk:

MR. PRESIDENT:

The House of Representatives has passed, without amendment, engrossed bills of the Senate entitled as follows:

No. 167. An act in relation to the expenses of removal and change of venue in civil cases;

No. 259. An act authorizing the superintendent of the New Albany and Vincennes road to report to the Auditor of State, and authorizing the auditing of reports heretofore made to the Treasurer;

No. 267. An act in relation to school district number one, in congressional township number fifteen;

No. 268. An act to amend an act entitled, an act to incorporate the trustees of the Laporte University, approved January 20, 1842;

No. 137. An act for the relief of Henry Pittenger;

No. 175. An act in relation to the county seminary fund of Laporte county;

No. 264. An act for the relief of Juddy Whisman;

No. 206. An act to amend an act incorporating the town of Aurora;

No. 262. An act for the relief of George H. Dunn;

No. 163. An act concerning certain conveyances therein named.

Message from the House of Representatives, by Mr. Farquhar, their Clerk:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the House has concurred in the amendments of the Senate to bills of the House of the following titles, to-wit:

No. 151. An act declaring Deer creek in Perry county, a navigable stream;

No. 134. An act to appoint examiners of common school teachers in the counties of Switzerland, Hancock, Allen, and Orange.

Message from the House of Representatives, by Mr. Farquhar, their Clerk:

MR. PRESIDENT:

The Speaker of the House of Representatives having signed the following enrolled bills and joint resolutions of the House, I am directed to report the same to the Senate for the signature of the President thereof, to-wit:

No. 147. An act for the appointment of commissioners of the reserved townships of land in the counties of Gibson and Monroe;

No. 144. An act for the relief of Cynthia Parks, widow of Alexander Parks, deceased;

No. 141. An act to provide for a uniform mode of doing township business in Clay county;

No. 113. An act to authorize an additional place of holding elections in Redding township, Jackson county;

No. 384. An act to provide for the binding of the laws and journals;

No. 122. An act to locate a State road therein named, and for other purposes;

No. 195. An act to locate a State road in the counties of Allen and Noble;

No. 266. An act to amend the first article of the fiftieth chapter of the Revised Statutes of 1843;

No. 326. An act to change the mode of doing county business in the county of Putnam;

No. 335. An act legalizing the proceedings of the board doing county business in Martin county, and also of James Dilley, as treasurer and collector;

No. 61. An act exempting personal property from execution;

No. 136. An act extending the provisions of an act entitled, an act to provide for the appointment of township assessors in certain counties therein named, and defining their duties, approved January 15, 1844—to the county of Clay;

No. 137. An act to restrict the grand jury in Franklin county to a limited time in their sessions;

No. 139. An act changing the election of school trustees in the counties of DeKalb and Steuben;

No. 396. An act to improve the breed of horses in Jay county;

No. 394. An act to change the name of Faithsville to Parkersburgh, in Montgomery county;

No. 393. An act reviving and amending a certain act entitled, an act to compel speculators to pay a road tax equal to that paid by actual settlers, approved January 31, 1842;

No. 53. An act for the relief of Joseph Proctor and others;

No. 54. An act to authorize Daniel C. Shannon to erect a mill dam across the Mississinewa river;

No. 90. An act providing for the location of a State road in the counties of Marshall and Kosciusko;

No. 107. An act to more properly define the boundaries of Dearborn county;

No. 324. An act vacating part of a State road therein named;

No. 389. An act to establish a State road in the counties of Tippecanoe and Warren;

No. 388. An act for the relief of the tax collector of the county of Greene;

No. 386. An act to authorize the county commissioners of White county to grant license to clock pedlers;

No. 354. An act to authorize William Conner and John D. Stephenson to erect a mill dam across White river in Hamilton county;

No. 354. An act to amend an act to incorporate the College Corner and Liberty turnpike company, and the Liberty aud Abington turnpike company, approved January 15, 1844.

And thereupon the President affixed his signature to said enrolled bills;

And they were delivered to the joint committee on enrolled bills,

to be submitted to His Excellency the Governor, for his approval and signature.

Message from the House of Representatives, by Mr. Farquhar, their Clerk:

MR. PRESIDENT:

The Speaker of the House of Representatives has signed the following enrolled bill of the House, to-wit:

No. 420. An act making specific appropriations for the year 1845;

Which I have been directed to bring to the Senate for the signature of the President thereof.

And thereupon the President affixed his signature to said enrolled bill;

And it was delivered to the joint committee on enrolled bills, to be submitted to His Excellency the Governor, for his approval and signature.

Message from the House of Representatives, by Mr. Farquhar, their Clerk:

MR. PRESIDENT:

The Speaker has signed enrolled bills of the following titles:

No. 264. An act to incorporate the Michigan road company;

No. 347. An act to revise an act entitled, an act to incorporate the city of Logansport, approved February 17, 1838;

Which I have been directed to bring to the Senate for the signature of the President.

And thereupon the President affixed his signature to said enrolled bills;

And they were delivered to the joint committee on enrolled bills, to be presented to His Excellency the Governor, for his approval and signature.

Message from the House of Representatives, by Mr. Farquhar, their Clerk:

MR. PRESIDENT:

The Speaker has signed enrolled bills with the following titles:

No. 167. An act for the relief of Robert Harbison, of Monroe county, Indiana;

No. 408. A joint resolution on the subject of Oregon territory;

No. 337. An act to locate a road in Sullivan county;

No. 372. An act for the relief of the purchasers of lands in the seminary township in Monroe county;

No. 165. An act to amend the law relative to licenses to vend clocks;

No. 363. An act to amend an act entitled, an act to establish an asylum for the education of deaf and dumb persons in the State of Indiana, approved January 15, 1844;

No. 243. An act to establish a certain State road therein named;

No. 244. An act to carry into effect the provisions of an act therein named;

No. 329. An act to change part of a State road in Tippecanoe county;

No. 369. An act to repeal an act entitled, "an act to change the mode of doing county business in the county of Scott;"

No. 387. A joint resolution to loan a theodolite to Asbury University;

No. 233. A joint resolution praying a grant of land to construct the Northern Cross Railroad, in the States of Illinois and Indiana;

No. 258. An act for the relief of Parmenter M. Parks;

No. 338. An act to repeal part of an act entitled "an act vesting the duties of school commissioner in the county treasurer in certain counties," approved January 15, 1844;

No. 336. An act to change the name of the town of New Market, in Miami county, to Chili;

No. 241. An act to prevent the election of public defaulters;

No. 342. A joint resolution for the relief of the heirs of Henry Martin;

No. 410. An act for the extension of a State road in Laporte county to Winamac in Pulaski county;

No. 349. An act to revive an act therein named;

No. 40. An act to repeal an act entitled "an act to change the mode of selecting petit jurors in Jackson and Bartholomew counties, and for other purposes," approved December 29, 1841;

No. 179. An act to legalize certain proceedings in the probate court of Carroll county;

No. 239. An act to regulate the attendance of grand jurors in the fifth judicial circuit;

No. 218. An act declaring Lick creek, in Owen county, a public highway;

No. 91. An act to amend an act entitled an act relative to licensing groceries in the counties of Carroll and Cass;

No. 225. An act to amend section 342, chapter 30, of the Revised Statutes, as relates to fees and services of executors and administrators;

No. 213. An act to legalize the official acts of Mark Manlove, road commissioner;

No. 267. An act to change the time of holding the probate courts in the county of Martin;

No. 367. An act to incorporate the Milltown bridge company;

No. 214. An act relative to official bonds;

No. 66. An act for the relief of Abigail C. Hovey and Lorenzo D. Hovey, of Carroll county;

No. 313. An act to incorporate the Logansport Brass Band;

No. 189. An act to extend the time to the collectors of Bartholomew and Delaware counties to settle the county and State revenue of said counties for the year 1844;

No. 229. An act to fix the times of holding courts in the tenth judicial circuit;

No. 362. An act for the relief of purchasers of school lands in the counties of Randolph and Delaware;

No. 234. An act to locate a State road therein named;

No. 366. An act to legalize certain acts of masters in chancery in the counties of Fulton, Marshall, Tippecanoe, St. Joseph, and Laporte, and for other purposes;

No. 417. An act for the relief of the administrators of John Coce, late of Dearborn county, deceased;

No. 360. An act to amend an act entitled, "An act abolishing the fee for issuing patents to purchasers of Wabash and Erie canal lands," approved January 13, 1844;

No. 150. An act to improve the navigation of Lost river;

No. 160. An act to authorize the county treasurer of Dekalb county to apply certain State revenue in his hands;

No. 59. An act to authorize the State Treasurer to receive certain Treasury notes, and for other purposes;

No. 187. An act to authorize pirogues and canoes to navigate the Wabash and Erie canal;

No. 172. An act authorizing the election of a county auditor in Clay county;

No. 301. An act for the relief of the creditors of John Graves, late of Clay county, deceased;

No. 186. An act requiring an enumeration of the white male inhabitants of this State;

No. 134. An act authorizing the boards of county commissioners of the counties therein named, to appoint examiners of common school teachers;

No. 251. An act authorizing the location of a State road in the county of Daviess;

No. 137. An act for the relief of Henry Pittenger;

No. 163. An act concerning certain conveyance therein named;

No. 267. An act in relation to school district No. 1, in congressional township No. 15;

No. 167. An act in relation to the expenses of removal on change of venue in civil cases;

No. 193. A joint resolution for the relief of David T. Yeakel and Elizur Deming;

No. 177. An act more effectually to enable supervisors to open and keep in repair public highways;

No. 256. An act regulating the issuing of writs of supersedeas;
No. 250. An act to authorize the election of a school commissioner in township nine, range one, west, in Franklin county;
No. 172. An act to amend the several acts for the loaning and collecting of the sinking fund, and for other purposes;
No. 308. An act for the benefit of John Yount and Philip Weaver;
No. 403. An act providing for the fees of the auditor of Hancock county;
No. 380. An act to raise a revenue for State purposes;
No. 236. An act providing for the better collection of the water rents due the State;
No. 192. An act to locate a State road therein mentioned;

Which I am directed to bring to the Senate for the signature of the President.

And thereupon the President affixed his signature to said enrolled bills, and they were delivered to the joint committee on enrolled bills, to be submitted to his Excellency, the Governor, for his approval and signature.

Message from the House of Representatives, by Mr. Farquhar, their Clerk:

MR. PRESIDENT:

The Speaker of the House of Representatives has signed an enrolled bill of the Senate,

No. 6. An act for the relief of Pierre (alias Peter) Poncin, of Knox county;

Which I have been directed to bring to the Senate for the signature of the President thereof.

Thereupon the President affixed his signature to said enrolled bill and it was delivered to the committee on enrolled bills to be presented to his Excellency, the Governor, for his approbation and signature.

Message from the House of Representatives, by Mr. Farquhar, their Clerk:

MR. PRESIDENT:

The Speaker of the House of Representatives has signed the following enrolled bills, to-wit:

No. 292. An act establishing a State road in the counties of Putnam and Clay;
No. 181. An act authorizing the board of directors of the Indiana Baptist education society, and the board of trustees of Franklin college, to sell certain property without license;

No. 401. An act in relation to proceedings in the probate courts;
No. 422. An act to incorporate the Michigan road company, south of Indianapolis;
No. 92. An act to authorize special sessions of the boards of county commissioners;
No. 368. An act allowing additional compensation to the auditor of Monroe county;
No. 358. An act for the relief of Ebenezer A. Goddard of Adams county;
No. 365. An act limiting the fees of auditor in the county of Marshall;
No. 411. An act for the relief of the county seminary of Tippecanoe county;
No. 375. An act to amend an act entitled, "an act changing the mode of doing county business in the county of Clay," approved January 17th, 1842;
No. 233. An act to relocate a part of a State road therein named;
No. 414. An act to amend an act entitled, "an act to detach certain territory from the county of Miami, and attach the same to the county of Fulton," approved January 15th, 1844;
No. 286. An act to locate a State road in the counties of Randolph and Delaware;
No. 378. An act in relation to the fees of recorder and auditor in Wabash county;
No. 72. An act to confine voters to their respective townships;
No. 391. An act to correct an error in an act entitled, "An act to authorize the board doing county business in the county of Clay to transcribe a certain record therein named, and for other purposes," approved February 9, 1843;
No. 126. An act to incorporate the Crawfordsville and Wabash railroad company;
No. 356. An act to compel speculators to pay a road tax equal to that paid by actual settlers;
No. 221. An act in relation to proceedings upon writs of *ad quod damnum;*
No. 352. An act to amend the 5th article of the 12th chapter of the Revised Statutes of 1843;
No. 346. An act to incorporate the Lagrange Phalanx;

Which I have been directed to bring to the Senate for the signature of the President thereof.

And thereupon the President affixed his signature to said enrolled bills, and they were delivered to the joint committee on enrolled bills to be submitted to his Excellency, the Governor, for his approval and signature.

Message from the House, by Mr. Farquhar, their Clerk:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the House agrees to the amendments of the Senate to bills of the House of the following titles, to-wit:

No. 346. An act to incorporate the Lagrange Phalanx;

No. 267. An act to change the time of holding the probate courts in the counties of Martin and Franklin;

No. 167. An act for the relief of Robert Harbison.

The House has passed the following joint resolution of the Senate, without amendment:

No. 235. A joint resolution in relation to exchanging documents with other States.

Mr. Davis, from the committee on enrolled bills, submitted the following report:

MR. PRESIDENT:

The committee did, on this day the 13th inst., present to his Excellency the Governor, for his approbation and signature, an enrolled bill of the Senate, entitled,

No. 6. An act for the relief of Pierre, alias Peter Poncin of Knox county.

Mr. Jones, from the joint committee on enrolled bills, submitted the following report:

MR. PRESIDENT:

The following acts have been presented to his Excellency the Governor, for his approval and signature by the joint committee on enrolled bills on this 13th January, 1845:

No. 227. An act authorizing a change in the application of water power at dam No. 1, near the forks of the Wabash;

No. 224. An act in relation to water power on the Wabash and Erie canal;

No. 214. An act to amend an act entitled, "an act to incorporate the Cambridge city and Venice turnpike company," approved February 6, 1843;

No. 159. An act to locate a State road in the counties of Martin and Orange;

No. 157. An act providing for the distribution of the road tax paid into the State Treasury by the several Branches of the State Bank;

No. 150. An act for the relief of the heirs and devisees of Francis Grodfrey, deceased;

No. 148. An act to locate a certain State road therein named in Orange county;

No. 147. An act to change the name of Muncietown;

No. 144. An act to continue in force an act entitled, "an act to incorporate the Brookville and Richmond turnpike and canal company," approved February 17, 1838;

No. 140. An act repealing acts relative to the establishment of bank districts;

No. 128. An act to amend an act to incorporate the University of Notre Dame du Lac, at South Bend, in St. Joseph county, Indiana;

No. 241. An act for the benefit of the clerk of St. Joseph county;

No. 152. An act to incorporate the Lafayette and Ohio turnpike company;

No. 192. An act to establish a free turnpike company in the county of Adams;

No. 195. An act authorizing Joseph Quinn and James Norvell to erect toll bridges;

No. 204. An act for the relief of purchasers of Seminary lands in Monroe county;

No. 213. An act amendatory to an act entitled, "an act to incorporate the Monroe county Female Seminary," approved January 22d, 1833;

No. 179. An act to incorporate the Silver creek bridge company.

Mr. Duzan from the joint committee on enrolled bills, submitted the following report:

MR. PRESIDENT:

The committee on enrolled bills did, on the 13th instant, present to his Excellency the Governor, the following enrolled bills of the Senate, to-wit:

No. 156. An act for the relief of Milton Stapp;

No. 168. An act to amend an act to incorporate the College Corner and Liberty turnpike company, and the Liberty and Abington turnpike company, approved January 15th, 1844;

No. 71. An act in relation to sales of real estate by executors and administrators;

No. 169. An act to incorporate the Laporte county mutual insurance company;

No. — An act to incorporate the German Military Band of Indianapolis;

No. 108. An act to legalize certain school loans in the county of Daviess;

No. 67. An act to amend an act entitled "an act to authorize the sale of certain land in Dubois county.

Mr. Duzan, from the joint committee on enrolled bills, submitted the following report:

MR. PRESIDENT:

The joint committee on enrolled bills did, on the 13th inst., present to his Excellency the Governor, for his approbation and signature the following enrolled bills of the Senate, to-wit:

No. 135. An act for the relief of bail for the stay of execution;

No. 173. An act to amend the second article of the 42d chapter of the Revised Statutes of 1843;

No. 180. An act to repeal part of an act entitled, "an act to change the mode of doing county business in the counties of Warrick and Dubois," approved February 11th, 1843;

No. 104. An act to amend article 4, chapter 45, of the Revised Statutes of 1843;

No. 16. An act to amend an act entitled, "an act to incorporate the Lawrenceburgh and Napoleon turnpike company," approved February 16th, 1840;

No. 92. An act to amend an act therein named;

No. 70. An act to locate a State road in Allen county;

No. 69. An act to extend the June term of the board doing county business in the county of Randolph;

No. 239. A joint resolution on the subject of repudiating State debts;

No. 97. An act to declare a certain road therein named a State road;

No. 47. An act to incorporate a Presbyterian church in Wells county;

No. 64. An act in relation to school commissioners;

No. 32. An act for the relief of Isaiah W. Cron and Daniel McCaughan;

No. 62. An act to restrict the county commissioners in the counties of Lagrange and Noble in levying a tax to fifty cents on the one hundred dollars valuation;

No. 53. An act to legalize the proceedings of the board of county commissioners of Daviess county;

No. 52. An act to change the time of holding probate courts in Dearborn county;

No. 51. An act defining the duties of county treasurers in certain cases;

No. 106. An act prescribing an uniform mode of ascertaining, by weight, the quantity of the different kinds of grain that shall pass for a standard bushel in this State;

No. 188. An act to change the time of holding probate courts in the county of Ripley;

No. 190. An act abolishing the office of county auditor in the county of Blackford;

No. 185. An act to legalize the proceedings of Stephen Casey;

No. 34. A joint resolution in relation to the improvement of the Wabash river;

No. 42. An act to extend certain privileges in an act herein named;

No. 98. An act to secure to recorders their fees in certain cases;

No. 102. An act to amend an act, entitled "an act to incorporate the Princeton library company;

No. 105. An act declaratory of the meaning of the 29th section of the 3d article of the 31st chapter of the Revised Statutes of 1843;

No. 79. An act to repeal an act, entitled "an act for the better improvement of the important State roads in the counties of Allen, De Kalb, Noble, Huntington and Wells," approved January 15th, 1844;

No. 164. An act in relation to the county auditor and treasurer of Elkhart county;

No. 19. An act to authorize the treasurer of Dubois county to perform the duties of school commissioner;

No. 160. An act to authorize the revaluation of land in Crawford county.

MR. PRESIDENT:

The joint committee on enrolled bills, did, on the 13th instant, present to the Governor for his approbation and signature, the following enrolled bills of the Senate, to-wit:

No. 153. An act to authorize the purchase of real estate by George W. Lane;

No. 48. An act to ratify the proceedings of the common council of the city of Fort Wayne;

No. 132. An act to require the Auditor and Treasurer of State to annex a list of defaulters to their annual reports;

No. 120. An act for the relief of Elijah Masters, of Daviess county;

No. 242. An act for the relief of James Silvers, of Rush county;

No. 182. An act to provide for procuring a suitable site for the erection of a State lunatic asylum;

No. 199. An act to establish a free turnpike road in Jay county;

No. 107. An act to extend an act, entitled "an act to revive and amend an act, entitled 'an act for the relief of settlers on the Wabash and Erie canal lands,'" approved February 24, 1840, approved January 15th, 1844;

No. 197. An act to amend an act, entitled "an act to reduce the tolls on the New Albany and Vincennes road, and for other purposes," approved January 13, 1844;

No. 262. An act for the relief of George H. Dunn;

No. 219. An act to incorporate the Philalethean Literary Society of Hanover college;

No. 259. An act directing the superintendent of the New Albany and Vincennes road to report to the Auditor of State, and authorizing the auditing of reports heretofore made to the Treasurer;

No. 268. An act to amend an act, entitled "an act to incorporate

the trustees of the Laporte University," approved January 20th, 1842;

No. 245. An act for the relief of Thomas Murphy;

No. 181. An act to incorporate the Lafayette bridge company;

No. 196. An act for the relief of the administrators of John Sims, deceased, late of Morgan county, and for the benefit of the creditors of the said John Sims, deceased;

No. 200. An act for the relief of Alfred Miles and Mary, his wife;

No. 165. An act for the relief of Benoni Stinson and George W. Miller, trustees of school district No. 4, in Vanderburgh county;

No. 93. An act providing for the distribution of the saline and bank tax funds among the several counties in this State;

No. 39. An act entitled "an act for the benefit of persons who are likely to suffer by the destruction of the records of Miami county by fire, and to provide for the election of a commissioner to restore said records;"

No. 202. An act for the relief of Elijah Rieves;

No. 208. An act to extend the terms of the Montgomery probate courts;

No. 210. An act to extend the time of payment to purchasers of school lands and borrowers of school funds;

No. 222. An act to vacate a certain part of the town of Numa, in Parke county;

No. 226. An act authorizing the president and council of the town of Lawrenceburgh, to subscribe for and take part of the capital stock of the Lawrenceburgh and Napoleon turnpike company;

No. 246. An act to amend an act, entitled "an act to incorporate the Buffalo and Mississippi railroad company," approved February 6th, 1835, and all acts amendatory thereto;

No. 148. An act to locate a certain State road therein named, in Orange county;

No. 147. An act to change the name of Muncietown;

No. 144. An act to continue in force an act, entitled "an act to incorporate the Brookville and Richmond canal company," approved February 17, 1838;

No. 140. An act repealing certain acts relative to the establishment of bank districts;

No. 128. An act to amend an act to incorporate the University of Notre Dame du Lac, at South Bend, in St. Joseph county, Indiana;

No. 214. An act to amend an act, entitled "an act to incorporate the Cambridge city and Venice turnpike company," approved February 6th, 1843;

No. 157. An act providing for the distribution of the road tax paid into the State Treasury by the several branches of the State Bank;

No. 159. An act to locate a State road in the counties of Martin and Orange;

No. —. An act for the relief of the heirs and devisees of Francis Godfrey, deceased;

No. 224. An act in relation to water power on the Wabash and Erie canal;

No. 241. An act for the benefit of the clerk of the county of St. Joseph;

No. 227. An act authorizing a change in the application of water power at Dam No. 1, near the forks of the Wabash.

Message from his Excellency the Governor, by T. Brown Kinder, Esq., his Private Secretary:

MR. PRESIDENT:

I am instructed by his Excellency the Governor, to inform the Senate, that he has this day approved and signed the following acts:

No. 137. An act for the relief of Henry Pittenger;

No. 267. An act in relation to school district No. 1, in Congressional township No. 15;

No. 251. An act authorizing the location of a State road in the county of Daviess;

No 163. An act concerning certain conveyances therein named;

No. 250. An act to authorize the election of a school commissioner in township nine, range one west, in Franklin county;

No. 167. An act in relation to the expenses of removal on change of venue in civil cases;

No. 217. An act incorporating the Valparaiso turnpike company;

No. 192. An act to establish a free turnpike road in the county of Adams;

No. 193. A joint resolution for the relief of David T. Yeakel and Elizur Deming;

No. 256. An act regulating the issuing of writs of supersedeas;

No. 177. An act more effectually to enable supervisors to open and keep in repair public highways;

No. 6. An act for the relief of Pierre (alias Peter) Poncin, of Knox county;

No. 126. An act to incorporate the Crawfordsville and Wabash railroad company;

No. 233. An act to re-locate a part of a State road therein named;

No. 414. An act to amend an act entitled an act to detach certain territory from the county of Miami and to attach the same to the county of Fulton;

No. 346. An act to incorporate the Lagrange Phalanx;

No. 422. An act to incorporate the Michigan road company, south of Indianapolis;

No. 286. An act to locate a State road in the counties of Randolph and Delaware;

No. 172. An act to amend the several acts for the loaning and collecting of the sinking fund, and for other purposes;
No. 138. An act to repeal an act entitled, an act to amend an act entitled, an act granting to the citizens of Madison and the town of Lawrenceburgh a city charter, approved January 13, 1844;
No. 270. An act to vacate Canal street, in the town of Lockport, Carroll county;
No. 249. An act to legalize the assignment of certificates to certain school lands in this State.
No. 235. A joint resolution in relation to the exchanging of documents with other States;
No. 248. An act providing for the distribution and sale of the surplus copies of the Revised Statutes of 1843;
No. 255. An act fixing the time of holding probate courts in the county of Greene;
No. 233. A joint resolution praying a grant of land to construct the Northern Cross Railroad, in the States of Illinois and Indiana;
No. 258. A bill for the relief of Parmenter M. Parks.

Message from his Excellency, the Governor, by T. Brown Kinder, Esq., his Private Secretary;

MR. PRESIDENT:

I am instructed by his Excellency, the Governor, to inform the Senate that he has this day approved and signed the following acts:
No. 195. An act authorizing Joseph Quinn and James Norvell to erect toll bridges;
No. 241. An act for the benefit of the clerk of the county of St. Joseph;
No. 150. An act for the relief of the heirs and devisees of Francis Godfrey, deceased;
No. 151. An act providing for the distribution of the road tax paid into the State Treasury by the several Branches of the State Bank;
No. 159. An act to locate a State road in the counties of Martin and Orange;
No. 224. An act in relation to water power on the Wabash and Erie Canal;
No. 227. An act authorizing a change in the application of water power at dam No. 1, near the forks of the Wabash;
No. 218. An act relative to overseers of the poor, in Ripley county;
No. 204. An act for the relief of purchasers of seminary lands in Monroe county:
No. 213. An act amendatory to an act entitled, an act to incorporate the Monroe county female seminary, approved January 22, 1833;

No. 179. An act to incorporate the Silver creek bridge company;
No. 225. An act to divide the county of Dearborn into county commissioners' districts;
No. 93. An act providing for the distribution of the saline and bank tax funds among the several counties in this State;
No. 39. An act to amend an act entitled "an act for the benefit of persons who are likely to suffer by the destruction of the records of Miami county by fire," and to provide for the election of a commissioner to restore said records;
No. 202. An act for the relief of Elijah Rieves;
No. 208. An act to extend the terms of the Montgomery probate courts;
No. 210. An act to extend the time of payment to purchasers of school lands and borrowers of school funds;
No. 222. An act to vacate a certain part of the town of Numa, in the county of Parke;
No. 246. An act to amend an act entitled "an act to incorporate the Buffalo and Mississippi railroad company, approved February 6, 1835," and all acts amendatory thereto;
All of which originated in the Senate.

Message from his Excellency, the Governor, by T. Brown Kinder, Esq., his Private Secretary:

MR. PRESIDENT:

I am instructed by his Excellency, the Governor, to inform the Senate that he has this day approved and signed the following acts:

No. 188. An act to change the time of holding probate courts in the county of Ripley;
No. 183. An act to legalize the proceedings of Stevens Casey;
No. 106. An act prescribing an uniform mode of ascertaining, by weight, the quantity of the different kinds of grain that shall pass for a bushel in this State;
No. 135. An act for the benefit of bail for the stay of execution;
No. 108. An act to legalize certain school loans in the county of Daviess:
No. 50. An act to incorporate the German military band of Indianapolis;
No. 71. An act in relation to sales of real estate by executors and administrators;
No. 165. An act for the relief of Benoni Stinson and George W. Miller, trustees of school district No. 4, in Vanderburgh county;
No. 200. An act for the relief of Alfred Miles and Mary, his wife;
No. 196. An act for the relief of the administrators of John Sims, deceased, late of Morgan county, and for the benefit of the creditors of the said John Sims, deceased;

No. 181. An act to incorporate the Lafayette bridge company;
No. 160. An act to authorize the re-valuation of land in Crawford county;
No. 164. An act in relation to the county auditor and treasurer of Elkhart county;
No. 79. An act to repeal an act for the better improvement of the important State roads in the counties of Allen, De Kalb, Noble, Huntington, and Wells, approved January 15, 1844;
No. 102. An act to amend an act entitled an act to incorporate the Princeton library company;
No. 97. An act to declare a certain road therein named a State road;
No. 69. An act to extend the June term of the board doing county business in the county of Randolph;
No. 70. An act to locate a State road in Allen county;
No. 92. An act to amend an act therein named;
No. 16. An act to amend an act entitled an act to incorporate the Lawrenceburgh and Napoleon turnpike company, approved February 16, 1840;
No. 104. An act to amend article 4, chapter 45, of the Revised Statutes of 1843;
No. 51. An act defining the duties of county treasurers in certain cases;
No. 52. An act to change the time of holding probate courts in Dearborn county;
No. 53. An act to legalize the proceedings of the board of county commissioners of Daviess county;
No. 62. An act to restrict the county commissioners of the counties of Noble and Lagrange to fifty cents on the one hundred dollars valuation;
No. 64. An act in relation to school commissioners;
No. 47. An act to incorporate a Presbyterian church in Wells county;
No. 98. An act to secure to recorders their fees in certain cases;
No. 42. An act to extend certain privileges in an act herein named;
No. 34. A joint resolution in relation to the improvement of the Wabash river;
No. 119. An act to authorize the re-occupation by the original proprietors of lands set off to the use of the State, under the various acts in relation to internal improvements;
No. 206. An act to amend an act to incorporate the town of Aurora, approved February 18, 1839;
No. 264. An act for the relief of Juddy Whisman;
No. 247. An act to incorporate the church of the United Brethren or Moravians, and to legalize the election and acts of the trustees thereof;
No. 123. An act to revive in part the first section of the eighth

chapter of an act entitled an act incorporating congressional townships and providing for schools therein, approved February 17, 1838;
No. 129. An act subjecting equitable interests in school lands to sale on execution;
No. 139. An act to amend an act entitled an act to incorporate the Perrysville canal lock company, approved February 13, 1844, and to correct a misprint therein;
No. 240. An act incorporating the Ciceronian society of Franklin College;
No. 175. An act in relation to the county seminary fund of Laporte county;
No. 245. An act for the relief of Thomas Murphy;
No. 31. A joint resolution in relation to the completion of the Wabash and Ohio canal;
No. 189. An act for the benefit of Lewis Orth, David Wade and James Thomas;
No. 219. An act to incorporate the Philalethean Literary Society of South Hanover college;
No. 262. An act for the relief of George H. Dunn;
No. 153. An act to authorize the purchase of real estate, by George W. Lane;
No. 48. An act to ratify the proceedings of the common council of the city of Fort Wayne;
No. 132. An act to require the Auditor and Treasurer of State to annex a list of defaulters to their annual reports;
No. 120. An act for the relief of Elijah Masters, of Daviess county;
No. 242. An act for the relief of James Silvers, of Rush county;
No. 182. An act to provide for procuring a suitable site for the erection of a State lunatic asylum;
No. 67. An act to amend an act entitled, an act authorizing the sale of certain land in Dubois county;
No. 199. An act to establish a free turnpike road in Jay county;
No. 107. An act to extend an act entitled, an act to revive and amend an act entitled, an act for the relief of settlers on the Wabash and Erie canal lands, approved Feb. 24, 1840—approved Jan. 15, 1844;
No. 259. An act directing the superintendent of the New Albany and Vincennes road, to report to the Auditor of State, and authorizing the auditing of reports heretofore made to the Treasurer;
No. 152. An act to incorporate the Lafayette and Ohio turnpike company;
No. 140. An act repealing certain acts relative to the establishment of bank districts;
No. 254. An act to grant new trials in certain cases therein named;
No. 148. An act to locate a certain State road therein named, in Orange county;

No. 147. An act to change the name of Muncietown;
No. 144. An act to continue in force an act, entitled "an act to incorporate the Brookville and Richmond canal company," approved February 17, 1838;
No. 128. An act to amend an act to incorporate the University of Notre Dame du Lac, at South Bend, in St. Joseph county, Indiana;
No. 192. An act to establish a free turnpike road in the county of Adams;
No. 217. An act to incorporate the Valparaiso turnpike company;
No. 186. An act to incorporate the Nowland's Fork canal company;
No. 214. An act to amend an act, entitled "an act to incorporate the Cambridge city and Venice turnpike company," approved February 6, 1843;
No. 67. An act to amend an act, entitled "an act to authorize the sale of certain land in Dubois county;
No. 168. An act to amend an act to incorporate the College Corner and Liberty turnpike company, and the Liberty and Abbington turnpike company, approved January 15, 1844;
No. 169. An act to incorporate the Laporte county mutual insurance company;
No. 173. An act to amend the second article of the forty-second chapter of the Revised Statutes of 1843;
No. 268. An act to amend an act, entitled "An act to incorporate the trustees of the Laporte University," approved January 20, 1842;
No. 180. An act to repeal part of an act entitled "an act to change the mode of doing county business in the counties of Warrick and Dubois," approved February 11, 1843;
No. 190. An act abolishing the office of county auditor in the county of Blackford;
No. 32. An act for the relief of Isaiah W. Cron and Daniel McCaughan;
No. 105. An act declaratory of the meaning of section 29, chapter 31, article 3, Revised Statutes of 1843;
No. 19. An act to authorize the county treasurer of Dubois county to perform the duties of school commissioner;
No. 239. A joint resolution on the subject of repudiating State debts;
No. 181. An act to incorporate the Lafayette bridge company;

Message from his Excellency, the Governor, by T. Brown Kinder, Esq., his Private Secretary:

MR. PRESIDENT:

I am directed by his Excellency, the Governor, to bear to the Senate the accompanying communication, with a request that you lay the same before them:

EXECUTIVE DEPARTMENT,
January 13, 1845.

Gentlemen of the Senate:

Being anxious to adjust the conflicting opinions of the Senate and the Executive, in relation to the appointment of Supreme Judges, as shown by the rejection of the three several nominations already made; and being strongly impressed that the standing, qualifications, and public services of the nominees whose names are now submitted, well fit them for the able and faithful discharge of the duties incident to the station proposed for them; and supposing that the Senate may not be averse, on the last night of the session, to again consider of the whole matter, I take the liberty to again nominate to you, for appointment as Judges of the Supreme Court of Indiana, for the next constitutional term of said offices, commencing on the 29th day of January, 1845, William W. Wick and James Morrison, and ask your advice and consent to the same.

JAS. WHITCOMB.

On motion by Mr. Davis,
The Senate proceeded, with closed doors, to consider the foregoing communication of his Excellency, the Governor.
A division of the question being desired,
The question was first presented,
Will the Senate advise and consent to the appointment of William W. Wick, agreeably to the nomination?
The ayes and noes being desired by two Senators,

Those who voted in the affirmative are,

Messrs. Akin, Berry, Buell of Dearborn, Carr, Chapman of Daviess, Duzan, Herriman, Hutton, Jackson, Jones, Lane, Leviston, Major, Parks, Read, Rippey, Ritchey, Tannehill, and Wood—19.

Those who voted in the negative are,

Messrs. Alexander, Bowers, Buell of Warren, Chapman of Laporte, Cotton, Davis, Defrees, Dole, Ewing, Farmer, Goodenow, Hamer, Henry, Hodge, Holloway, Moore, Morgan of Decatur, Morgan of Rush, Orth, Pennington, Reyburn, Rockhill, Stanford, and Todd—24.

So it was
Resolved, That the Senate do not advise and consent to the appointment of William W. Wick as one of the Judges of the Supreme Court of Indiana.
The question was then presented,

Will the Senate advise and consent to the appointment of James Morrison, agreeably to the nomination?

The ayes and noes being desired by two Senators,

Those who voted in the affirmative are,

Messrs. Akin, Berry, Buell of Dearborn, Carr, Chapman of Daviess, Duzan, Herriman, Hutton, Jackson, Jones, Lane, Leviston, Major, Parks, Read, Rippey, Ritchey, Tannehill, and Wood—19.

Those who voted in the negative are,

Messrs. Alexander, Bowers, Buell of Warren, Chapman of Laporte, Cotton, Davis, Defrees, Dole, Ewing, Farmer, Goodenow, Hamer, Henry, Hodge, Holloway, Moore, Morgan of Decatur, Morgan of Rush, Orth, Pennington, Reyburn, Rockhill, Stanford, and Todd—24.

So it was

Resolved, That the Senate do not advise and consent to the appointment of James Morrison as one of the Judges of the Supreme Court of Indiana.

Leave being granted,

Mr. Orth submitted the following preamble and resolution:

WHEREAS, By the constitution of the State the Senate is the constitutional adviser of his Excellency, the Governor, in the appointment of Judges of the Supreme Court, and whereas, the Senate, by its refusal to confirm the several nominations heretofore made, except the nomination of the Hon. Isaac Blackford, which was unanimously confirmed, has evinced a desire to re-appoint the present Judges of the Supreme Court, believing that they are honest, capable, and acceptable to the people of the State of Indiana:

Therefore be it

Resolved, That, in the opinion of this Senate, the present Judges of the Supreme Court should be re-appointed.

That the Secretary inform his Excellency of the adoption of this resolution.

Mr. Ewing moved to lay the preamble and resolution on the table;

The ayes and noes were desired by two Senators,

Those who voted in the affirmative are,

Messrs. Akin, Berry, Buell of Dearborn, Carr, Chapman of Daviess, Duzan, Ewing, Hutton, Jackson, Jones, Lane, Leviston, Major, Parks, Read, Rippey, Ritchey, Rockhill, Stanford, Tannehill, and Wood—21.

Those who voted in the negative are,

Messrs. Alexander, Bowers, Buell of Warren, Chapman of Laporte, Cotton, Davis, Defrees, Dole, Farmer, Goodenow, Hamer, Herriman, Holloway, Moore, Morgan of Decatur, Morgan of Rush, Orth, Pennington, Reyburn, and Todd—20.

So it was

Ordered, That the preamble and resolution lie upon the table.

Message from the House of Representatives, by Mr. Farquhar, their clerk:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the House has adopted the following resolution:

Resolved, That the Senate be informed that the House of Representatives have gone through with their legislative business and are now ready to adjourn, *sine die*.

On motion by Mr. Defrees,

Resolved, That a committee of two be appointed to act with a similar committee on the part of the House, to wait upon his Excellency, the Governor, and inform him that both Houses have gone through with their legislative business and are now ready to adjourn, *sine die*, if he has no further communication to make to them, and that the House be informed of the adoption of this resolution.

Ordered, That said committee consist of Messrs. Defrees and Rockhill.

Message from the House, by Mr. Farquhar, their Clerk:

MR. PRESIDENT:

The House of Representatives have reciprocated the resolution of the Senate appointing a committee to wait on his Excellency, the Governor, and inform him that both Houses of the General Assembly have completed their legislative business, and are now ready to adjourn, *sine die*, if he has no further communication to make to them. Messrs. Handy and Hazelrigg are appointed said committee on the part of House.

Mr. Defrees, from the committee appointed to wait upon his Excellency, the Governor, submitted the following report:

MR. PRESIDENT:

The committee appointed to wait upon his Excellency, the Go-

vernor, and inform him that both Houses of the General Assembly had gone through with their legislative business and were ready to adjourn, *sine die*, if he had no further communication to make to them, have performed that duty, and are directed by his Excellency, to inform the General Assembly that he has no further communications to make to them.

On motion by Mr. Herriman,

Ordered, That the Secretary inform the House of Representatives that the Senate has gone through with its legislative business and is now ready to adjourn, *sine die*.

On motion by Mr. Ritchey,

The Senate adjourned, *sine die*.

Attest:

JNO. GRANT,
Assistant Secretary.

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BILLS AND JOINT RESOLUTIONS OF THE SENATE.

Number.	TITLES.	Introduced.	Proceedings before passage.	Passed Senate.	Passed House.	Other proceedings.	Approved.
1	To vacate a part of the town of Mongoquinong, in the county of Lagrange, - - - -	25	27	43	143	164, 174, 196	207
2	Relative to voters in the county of Dearborn, -	27	43, 44, 86, 169, [427				
3	Supplemental to an act entitled an act for the relief of Nathan Burchfield, approved February 11, 1843, - - - - - - -	27	45, 100	149			
4	To authorize probate judges to take and certify acknowledgments of powers of attorney, deeds, mortgages, &c., and for other purposes, -	27	45, 428				
5	Relative to the collection of taxes in the town of Rising Sun, - - - - - - -	27	45	65	143	164, 174, 196	207
6	For the relief of Pierre (alias Peter) Poncin, -	27	45	61	666	666	695
7	To extend the time of holding probate courts in the counties of Washington, Ripley, and Jefferson, - - - - - - - -	28	45	61	99	129, 163, 236, [250, 251	254
8	To repeal the act incorporating the draw bridge company at Terre Haute, Vigo county, approved January 15, 1844, - - - - -	28	46	61	91	152, 159	165

BILLS AND JOINT RESOLUTIONS OF THE SENATE—*Continued.*

Number.	TITLES.	*Introduced.*	*Proceedings before passage.*	*Passed Senate.*	*Passed House.*	*Other proceedings.*	*Approved.*
9	Relative to the fall terms of the circuit courts in the 12th judicial circuit, and for other purposes,	29	46	61	163	236, 250, 252	254
10	To vacate part of a State road in the county of Noble,	29	46	61	143	164, 174, 196	207
11	A joint resolution reviving, in part, a certain act therein named,	34	46	61	142	159, 195	232
12	To repeal a certain act therein named,	42	62, 68		492	503, 548, 596	602
13	To provide for the inspecting of whiskey, and for other purposes,	42	62, 68	151			
14	To legalize certain proceedings therein named,	43	62, 68, 109	150	374	419, 419	420
15	To extend the time of holding the May term of the Decatur circuit court,	43	62, 68	68	144	236, 250, 251	254
16	To amend an act entitled an act to incorporate the Lawrenceburgh and Napoleon turnpike company, approved February 18, 1840,	43	62, 88	149	676		698
17	To enable married women to acquire and hold separate property,	43	63, 512				

18	Providing for the payment of jurors and supervisors in the county of Franklin,	43	63, 108, 121				
19	To authorize the treasurer of Dubois county to perform the duties of school commissioner,	46	47, 63, 108	148	676		700
20	To authorize the board of commissioners of Marion county to settle with Jno. Elder, late surplus revenue agent, and for other purposes,	47	63, 89, 107	149	344	503, 548, 596	602
21	To amend article 5th of the 25th chapter of Revised Statutes of 1843,	47	63, 110				
22	To enable circuit courts to consolidate indictments in cases of misdemeanors,	47	63, 108				
23	To re-charter Hanover college,	51	68	77	143	195, 206, 250, 251	237
24	For the relief of Wilson McConnell,	51	68	77	99	152, 159	165
25	A joint resolution relative to postage,	61	68	77	492	503, 549	601
26	A joint resolution in relation to the White Water Valley canal company,	61	68, 77, 308				
27	To revive and amend an act entitled an act to incorporate the Richmond and Boston turnpike company,	61	68, 77, 111	150	349	324, 450, 474	504
28	To amend an act to locate a State road in Sullivan and Greene counties, approved January 15, 1844,	61	68	78	99	152, 159	165
29	To amend an act providing for the election of supervisors of highways in the counties of Decatur, Jefferson, and Spencer,	61	68	78	144	236, 250, 252	254
30	To regulate the compensation of grand and petit jurors,	65	78, 89	148			

BILLS AND JOINT RESOLUTIONS OF THE SENATE—*Continued.*

Number.	TITLES.	*Introduced.*	*Proceedings before passage.*	*Passed Senate.*	*Passed House.*	*Other proceedings.*	*Approved.*
31	A joint resolution in relation to the completion of the Wabash and Ohio canal,	66	80, 115	149	678		699
32	For the relief of Isaiah W. Cron and Daniel McCaughan,	66	125, 293, 319	443	676		700
33	To repeal, in part, an act entitled an act to restrict the session of the grand jury to three days at each term of the Hancock circuit court, approved January 15, 1844,	66	125	148			
34	A joint resolution in relation to the improvement of the Wabash river,	68	125	149	678		698
35	To change the name of Cornelia Minerva Nevins to Cornelia Minerva Warner,	68	126	149	558	503, 548, 549	602
36	Extending the time of holding circuit courts in the county of Boone,	68	126, 275	288			
37	A joint resolution on the subject of Robert Downey's improved method of manufacturing leather,	69		78	143	164, 174	171

38	For the relief of Francis Linck and Bayless Bennett, of Vanderburgh county,	70	126, 156	186	212	250, 251, 252	254
39	To amend an act entitled an act for the benefit of persons who are likely to suffer by the destruction of the records of Miami county by fire, and to provide for the election of a commissioner to restore said records,	71	126, 129, 176	185	546	600	697
40	To repeal an act entitled an act to change the mode of selecting petit jurors in the counties of Jackson and Bartholomew, and for other purposes, approved December 29th, 1841, so far as it relates to Jackson county,	72	126, 154	186		652	
41	A joint resolution on the subject of the annexation of Texas,	76	127				
42	To extend certain privileges in an act therein named,	77	130	149	676		698
43	Providing for establishing school district libraries,	77	130, 155				
44	Providing for a special term of the Shelby circuit court,	77	77	77	143	164, 174, 196	207
45	To change a county road to a State road, in Sullivan county,	86	130	150	212	250, 251, 252	254
46	Supplemental to the 8th chapter of the Revised Statutes, prescribing the duties of county recorders,	101	130, 132				
47	To incorporate a Presbyterian church in Wells county,	101	130	150	676		698
48	To ratify the proceedings of the common council of Fort Wayne,	102	130	150	678		699

Number.	TITLES.	*Introduced.*	*Proceedings before passage.*	*Passed Senate.*	*Passed House.*	*Other proceedings.*	*Approved.*
49	To abolish public executions,	109	130				
50	To incorporate the German military band of Indianapolis,	111	131	150	676		697
51	Defining the duties of supervisors of roads in certain cases therein named,	112	221	248	676		
52	To change the time of holding probate courts in Dearborn county,	114	145	160	676		698
53	To legalize the proceedings of the board of county commissioners of Daviess county,	114		145	676		698
54	To reduce the penalties and per centage on lands delinquent for taxes for the years 1839–'40,	114	145, 193, 204				
55	To amend an act, entitled "an act granting to the citizens of Madison and the town of Lawrenceburgh a city charter,	114	145				
56	To repeal an act relative to overseers of the poor,	114	146, 219				
57	Fixing the time of holding the terms of the probate courts in Marion county, and for other purposes,	114		146	212	250, 251, 252	254

58	Fixing the times of holding the circuit courts in the second judicial circuit,	114	133	150			
59	For the relief of the heirs of Peter Reybold, deceased,	114		146	212	250, 267, 275	275
60	In relation to county auditors,	114	146, 284				
61	Authorizing probate judges to take acknowledgements of deeds, powers of attorney, mortgages, and other instruments of writing,	114	146, 434				
62	To restrict the county commissioners of the counties of Lagrange and Noble in levying a tax of fifty cents on the one hundred dollars valuation,	114	146	160	676		698
63	To establish an additional place of holding elections in Lafayette township, Floyd county,	115		146	364	250, 450, 474	504
64	In relation to school commissioners,	115	146	435	676		698
65	To amend an act, entitled "an act to reduce the salaries of Governor of State and other officers," approved December 14, 1843,	115	147				
66	Regulating the election of president judges,	117	129	129	142	159, 164, 165	165
67	To amend an act, entitled "an act authorizing the sale of certain lands in Dubois county,"	121	147	160	676		699
68	To organize a new county, to be known by the name of Gallatin,	121	[422 147, 188, 274, 375,				
69	To extend the June term of the board doing county business in the county of Randolph,	121	147	160	676		698
70	To locate a State road in Allen county,	122	147	160	676		698
71	In relation to sales of real estate by executors and administrators,	122	148	160	676		697

Number.	TITLES.	*Introduced.*	*Proceedings before passage.*	*Passed Senate.*	*Passed House.*	*Other proceedings.*	*Approved.*
72	To attach additional territory to the county of Ohio, and for other purposes,	123	139, 219, 227	249	373	462, 467, 474, 642	505
73	To extend the jurisdiction of justices of the peace in criminal cases,	123	512				
74	Providing compensation to supervisors of roads and highways,	123	154	186	492	503, 548, 549	602
75	To provide for erecting a bridge across Laughery creek, in Ripley county,	123		139	349	324, 450, 474	504
76	To authorize aliens to hold lands in this State, by purchase or otherwise,	123	510				
77	To amend the 50th chapter of the Revised Statutes, which concerns the mode of summoning and empanneling grand and petit jurors,	124					
78	To enable judgment creditors more effectually to collect their debts, and for other purposes,	124	512	186			
79	To repeal an act, entitled "an act for the better improvement of the important State roads in the counties of Allen, De Kalb, Noble, Huntington and Wells," approved January 15th, 1844,	124	148	160	676		698
80	To provide for a special term of the Whitley circuit court,	130		130	163	236, 250, 251	254
81	Providing for the election of Secretary of State and State Librarian,	133	148, 220				
82	Relative to the office of county treasurer,	138	161	186	648		
83	To locate a State road in the county of Switzerland,	141	161	186	212	250, 267, 275	275
84	To alter the times of holding the circuit courts in the county of Marion,	141		161	212	250, 251, 252	254
85	In relation to petit jurors in the county of Porter,	141		141	212	250, 251, 252	254
86	To amend the 13th section of an act entitled, an act to amend an act entitled, an act supplemental to an act subjecting real and personal property to execution, approved Feb. 11, 1843,	141	161				
87	Supplemental to an act entitled, an act relative to the water power at Northport in Noble county, approved January 21, 1843,	141	201, 225	225	492	503, 548, 549	601
88	For the relief of the estate of Samuel Lewis, late of Allen county, deceased,	141	234	248	347	448, 450, 474	504
89	Relating to Indian contracts,	141	222, 282				
90	To amend the 4th article of the 16th chapter of the Revised Statutes, relating to the duty of county auditors,	141					
91	To amend an act entitled, an act to locate certain State roads therein named, and for other purposes, approved January 15, 1844,	145		160	212	250, 267, 275	275

BILLS AND JOINT RESOLUTIONS OF THE SENATE—*Continued.*

Number.	TITLES.	*Introduced.*	*Proceedings before passage.*	*Passed Senate.*	*Passed House.*	*Other proceedings.*	*Approved.*
92	To amend an act therein named,	151		160	676		698
93	Providing for the distribution of the saline and bank tax funds among the several counties of this State,	154	187, 237, 243	279	492		697
94	For the payment of the State debt, the interest thereon, and for other purposes,	156	243				
95	To change the name of the Indiana Baptist Manual Labor Institute to that of Franklin College,	158		158	212	250, 251, 252	254
96	To extend the time for the treasurer of Boone county to distrain property for the non-payment of taxes,	160	187, 306				
97	To declare a State road therein named a State road,	160	187, 203	203	676		698
98	To secure to recorders their fees in certain cases,	165	188, 222	248	676		698
99	To revive the military spirit of Indiana,	171	207				
100	A joint resolution in relation to the fourth instalment of the surplus revenue,	176	207	245		247	

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101	To prevent fraudulent practices in the consignment of produce and merchandize,	176	223	248			
102	To amend an act entitled, an act to incorporate the Princeton library company,	185		207	676		698
103	To incorporate the Mechanics' Institute at Lafayette, in the county of Tippecanoe,	185		273	364	462, 467, 596	602
104	To amend article 4, chapter 45, of the Revised Statutes of 1843,	185	191	203	676		698
105	Declaratory of the meaning of the 29th section of the 3d article of the 31st chapter of the Revised Statutes of 1843,	185	219	248	677		700
106	Prescribing a uniform mode of ascertaining by weight the quantity of the different kinds of grain that shall pass for a standard bushel in this State,	185	271	288	677		697
107	To extend an act entitled, an act to revive and amend an act entitled, an act for the relief of settlers on the Wabash and Erie canal lands, approved February 24, 1840, approved January 15, 1844,	186	235, 249	288	677		699
108	To legalize certain school loans belonging to the county of Daviess,	187	200	243	677		697
109	To amend an act entitled, an act to amend an act entitled, an act supplemental to an act subjecting real and personal property to execution, approved February 11, 1843,	191	[211 207, 208, 209, 210				
110	Providing for the location of a State road in Parke and Vermillion counties,	194		203	347	448, 450, 474	504

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Number.	TITLES.	*Introduced.*	*Proceedings before passage.*	*Passed Senate.*	*Passed House.*	*Other proceedings.*	*Approved.*
111	A joint resolution in relation to reducing the per diem allowance of members of Congress, and for other purposes, - - - - - -	197	211				
112	To incorporate the proprietors of the Lawrenceburgh cemetery, - - - - - - -	197		203	347	448, 450, 474	505
113	In relation to the kind of funds receivable for tolls and water rents on the Wabash and Erie canal,	197	[538 211, 254, 266, 357				
114	To repeal the act changing the time for the payment of taxes, approved January 15, 1844, -	200	253				
115	To amend an act entitled, an act to incorporate the city of New Albany and to repeal all laws now in force incorporating the town of New Albany, approved February 14, 1839, - -	202	272	272	558	462, 467, 596	602
116	To locate a State road in Randolph and Jay counties, - - - - - - - - -	202	254	279	366	334, 450, 474	504
117	To authorize the county commissioners of Floyd county to employ a physician to attend the poor of said county, - - - - - -	203		243	347	448, 450, 474	504

118	To incorporate the Elkhart brass band, - -	203	273	288	492	503, 549	601
119	To authorize the occupation, by the original proprietors, of lands set off to the use of the State under the various acts in relation to internal improvements, - - - - - - -	218	279, 407		677		698
120	For the relief of Elijah Masters of Daviess county,	224		248	677		699
121	To further extend to the State Bank of Indiana the privilege of issuing notes of a less denomination than five dollars, - - - - -	225	280, 286	318	649	352, 649, 650, 651	
122	To revive part of an act named, in the county of Ripley, - - - - - - - - -	226		248	347	448, 450, 474	504
123	Reviving a certain act therein named, - -	226	280	289	677		698
124	For the relief of James S. Armstrong, - -	226	289, 319				
125	To amend the 102d section of the 13th chapter of the Revised Statutes of 1843, - - -	226	289, 404, 406	406			
126	To incorporate the Crawfordsville and Wabash railroad company, - - - - - -	228	271	272	662	663	695
127	Providing for the collection of delinquent taxes at the seat of government, and liquidating the balance due from the State to the common school fund, for distributing the same, and for other purposes, - - - - - - - - -	228	285				
128	To amend an act to incorporate the University of Notre Dame du Lac, at South Bend, in St. Joseph county, Indiana, - - - - -	228	289, 311, 313	462	598		699
129	Subjecting equitable interests in school lands to sale on execution, - - - - - -	228		427	677		699

Number.	TITLES.	*Introduced.*	*Proceedings before passage.*	*Passed Senate.*	*Passed House.*	*Other proceedings.*	*Approved.*
130	To authorize the draining of wet prairies in the county of Allen,	229	283				
131	Authorizing county treasurers to pay such warrants upon the State treasury as shall be issued under appropriations made by the present General Assembly,	233	270	288	347	448, 450, 474	504
132	To require the Treasurer of State to annex a list of defaulters to his annual report,	234	289	319	677		699
133	Relative to taxes prior to 1841,	237	289				
134	To amend the act to establish a levee from the town of Vincennes, through the lower prairie, near the Wabash river, to the Grand Coulee, approved February 2, 1833,	237		248	347	448, 450, 474	505
135	For the benefit of bail for the stay of execution,	237	281, 317	317	677		697
136	Repealing a certain act therein named,	237		237	347	448, 450, 474	504
137	For the relief of Henry Pittinger,	238		532	683		695
138	To repeal an act entitled, an act to amend an act entitled, an act granting to the citizens of Madison and the town of Lawrenceburgh, a city charter, approved January 15, 1844,	238	249	410	467		696
139	To amend an act entitled, an act to incorporate the Perrysville canal lock company, approved February 12, 1844, and to correct a misprint therein,	239		322	677		699
140	Repealing certain acts relative to the establishment of bank districts,	240	322	462	598		699
141	To repeal an act entitled, an act to reduce the prices paid for ferriages in Lawrence county, approved January 15, 1844, and to revive the general law,	240	322	462			
142	Defining the duties of millers in certain cases,	240	322, 436				
143	For the relief of Millens Loomer,	241		279	492	504, 549	601
144	To continue in force an act entitled, an act to incorporate the Brookville and Richmond canal company,	242	322, 337	462	598		699
145	To amend an act to incorporate the Brothers of St Joseph, at South Bend, St. Joseph county, Indiana,	242	336				
146	To authorize Samuel Dyer, senr., to erect a mill dam across White river, in Owen county,	242	323				
147	To change the name of Muncietown,	242	323	462	598		699
148	To locate a certain State road therein named in Orange county,	242	323	463	598		699
149	To change the mode of doing county business in the county of Parke,	242		323	492	504, 549	601

Number.	TITLES.	*Introduced.*	*Proceedings before passage.*	*Passed Senate.*	*Passed House.*	*Other proceedings.*	*Approved.*
150	For the relief of the heirs and devisees of Francis Godfrey, deceased,	242	325	462	598		696
151	To extend the time for collecting taxes in the county of Clinton for the year 1844,	242	357				
152	To incorporate the Lafayette and Ohio turnpike company,	246	309, 310	311	599		699
153	To authorize the purchase of real estate by George W. Lane,	253		279	677		699
154	To amend an act entitled, "An act regulating the time of holding courts in the county of Tippecanoe, approved January 15, 1841,	253		253	347	448, 450, 474	504
155	Amendatory to an act entitled, "An act abolishing docket fees and dispensing with final records in certain cases," approved January 28, 1843,	254	468				
156	To authorize the closing up of the suspended debt,	265		468			
157	Providing for the distribution of the road tax paid into the State treasury by the several branches of the State Bank,	265		467	598		
158	For the relief of John Walker,	276	468				
159	To locate a State road in the counties of Martin and Orange,	276		468	598		696
160	To authorize the revaluation of school lands in Crawford county,	277		468	597		698
161	To provide for the election of a commissioner on the Wabash and Erie canal, east of Tippecanoe river,	277	468				
162	For the limitation of suits on bonds and promissory notes,	257	468, 512				
163	Concerning certain conveyances therein named,	277	469	511	683		695
164	In relation to the county auditor and treasurer of Elkhart county,	277		469	597		698
165	For the relief of Benoni Stinson and Geo. W. Miller, trustees of school district No. 4, in Vanderburgh county,	277	327	328	492		697
166	To incorporate the Lawrenceburgh seminary of learning in the county of Dearborn,	277		288	347	448, 450, 474	504
167	In relation to the expenses of removal on change of venue, in civil cases,	277		529	682		695
168	To amend an act to incorporate the College Corner and Liberty turnpike company, and the Liberty and Abington turnpike company, approved January 15, 1844,	278	475, 476	476	597		700

Number.	TITLES.	*Introduced.*	*Proceedings before passage.*	*Passed Senate.*	*Passed House.*	*Other proceedings.*	*Approved.*
169	To incorporate the Laporte county mutual insurance company,	278	309	325	677		700
170	To amend the law in relation to affrays and assault and battery,	284	429, 430				
171	To encourage the killing of muskrats on the Wabash and Erie canal,	286	318, 339	340	648	648	
172	To amend the several acts for loaning and collecting the sinking fund, and for other purposes,	286		453	569	662	696
173	To amend the second article of the forty-second chapter of the Revised Statutes of 1843,	287	432	463	597		700
174	To amend an act entitled, "An act to amend the 15th chapter of the Revised Statutes of 1843, and repeal the 83d and 89th sections of the same," approved January 15, 1844,	288	436				
175	In relation to the county seminary fund of Laporte county,	288	469	533	683		699

176	To authorize the school trustees of congressional townships to act as examiners of common school teachers,	292	471, 529				
177	More effectually to enable supervisors to open and keep in repair public highways,	295		469	677		695
178	Against the revival of the sub-treasury law,	302	469				
179	To incorporate the Silver creek bridge company,	302	337	465	597		697
180	To repeal part of an act entitled, "An act to change the mode of doing county business in the counties of Warrick and Dubois," approved February 11, 1843,	302		469	597		700
181	To incorporate the Lafayette bridge company,	302	337	337	503	600	698
182	To provide for procuring a suitable site for the erection of a State lunatic asylum,	304	325	326	678		699
183	To legalize the proceedings of Stevens Casey,	304		469	597		697
184	To amend the 159th, 359th 360th, and 374th sections of chapter 30, of the Revised Statutes of 1843,	304	428				
185	Relative to landlord and tenant,	304	430				
186	To incorporate the Noland's Fork canal company,	308	336, 465		597		700
187	To change the mode of doing county business in the county of Washington,	311		311	492	504, 549	601
188	To change the time of holding probate courts in the county of Ripley,	312		312	677		697
189	For the benefit of Lewis Orth, David Wade, and James Thomas,	312		312	677		699

Number.	TITLES.	*Introduced.*	*Proceedings before passage.*	*Passed Senate.*	*Passed House.*	*Other proceedings.*	*Approved.*
190	Abolishing the office of county auditor in the county of Blackford,	313	432	467	597		700
191	On the subject of the Wabash and Erie canal, west of Lafayette,	316	475				
192	To establish a turnpike road in the county of Adams,	317	335	462	597		695
193	For the relief of David T. Yeakel and Elizur Deming,	334	451	476	648	648	695
194	To provide for dissolving partnership fences,	335		469			
195	Authorizing Joseph Quinn and James Norvell to erect toll bridges,	335		475	597		696
196	For the relief of the administrators of John Sims, deceased, late of Morgan county, and for the benefit of the creditors of the said John Sims,	339		339	503		697
197	To amend an act entitled, "An act to reduce the tolls on the New Albany and Vincennes road, and for other purposes," approved January 13, 1844,	339	471	473	677		
198	To revive an act incorporating the Greenwood education society,	340	543				
199	To establish a free turnpike road in Jay county,	341			677		699
200	For the relif of Alfred Mills and Mary, his wife,	341	430	431	492		697
201	To extend the time of payment to purchasers of school lands,	341	406				
202	For the relief of Elijah Reeves,	341		433	492		697
203	Amendatory of an act entitled, "an act for the relief of certain persons therein named," approved, February 6, 1843,	341					
204	For the relief of the purchasers of seminary lands in Monroe county,	342		462	597		696
205	For the relief of Priscilla Lazenby and others,	342		431	492	504, 549	601
206	To amend act incorporating the town of Aurora,	342		529	683		698
207	In addition to the 9th article of the 30th chapter of the Revised Statutes,	342		481			
208	To extend the terms of the Montgomery probate courts,	342		342	503		697
209	In relation to the public debt,	354	507				
210	To extend the time of payment to the purchasers of school lands in Vanderburgh county,	359	402	414	210		697
211	In relation to a suitable building for the public offices,	360	491				
212	For the relief of the borrowers of the school funds arising from the sale of the 16th section,	385	404				
213	Amendatory of an act entitled, "an act to incorporate the Monroe county female seminary," approved January 22, 1833,	406		463	597		696

Number.	TITLES.	*Introduced.*	*Proceedings before passage.*	*Passed Senate.*	*Passed House.*	*Other proceedings.*	*Approved.*
214	To amend an act entitled, "an act to incorporate the Cambridge city and Venice turnpike-company," approved February 6, 1843, - -	409		463	598		700
215	Authorizing a company to construct a turnpike road from Cambridge city to Muncietown, -	413	438	441	492	503, 549	601
216	To authorize the construction of a bridge across the Wabash and Erie canal at Lafayette, -	413	414				
217	To incorporate the Valparaiso turnpike company,	415		461	597		695
218	Relative to overseers of poor in Ripley county,	415		463	597		696
219	To incorporate the Philalethian literary society of south Hanover college, - - - - -	415		415	677		699
220	On the subject of the limitations of actions upon judgments rendered before justices of the peace,	415	483				
221	To prevent swindling, - - - - - -	415	512				
222	To vacate a certain part of the town of Numa in the county of Parke, - - - - -	415		415	503		697
223	Relative to the 5th and 10th judicial circuits of the State of Indiana, - - - - -	416					

224	Repealing the 14th section of an act entitled, "an act to locate certain State roads therein named, and for other purposes," approved January 15, 1844, - - - - - - - - - -	416		416			
225	To divide the county of Dearborn into county commissioner districts, - - - - -	416		463	597		697
226	Authorizing the president and council of the town of Lawrenceburgh to subscribe for and take part of the capital stock of the Lawrenceburgh and Napoleon turnpike company, -	416		417	503		
227	Authorizing a change in the application of water power at dam No. 1, near the forks of the Wabash, - - - - - - - - -	417		463	598		696
228	To authorize the several boards doing county business in this State to equalize the assessment of real estate, - - - - - - - -	417	480				
229	To fix the time of holding courts in the 10th judicial circuit, - - - - - - - -	417	530	531	648	649	
230	To provide for the payment of non-resident taxes through the State Treasury, - - - - -	426					
231	To provide for the construction of the Wabash and Erie canal to Terre Haute, - - - -	442	476, 508, 538				
232	To locate a State road in Jay and Blackford counties, - - - - - - - - -	442		442	492	504, 549	601
233	Praying a grant of land to construct the Northern cross railroad in the States of Indiana and Illinois, - - - - - - - - -	448		463	648	648	696
234	For the relief of James Hay, - - - - -	448	542				

Number.	TITLES.	*Introduced.*	*Proceedings before passage.*	*Passed Senate.*	*Passed House.*	*Other proceedings.*	*Approved.*
235	In relation to exchanging documents with other States,	458		633	690		696
236	Relating to the assumption of State debts,	458		533			
237	Explanatory of certain portions of the 54th chapter of the Revised Statutes,	481					
238	In relation to the titles of purchasers of seminary lands in Gibson county,	481		538			
239	On the subject of repudiating State debts,	484		485	678		700
240	Incorporating the Ciceronian society of Franklin college,	488		488	678		699
241	For the benefit of the clerk of St. Joseph county,	488		488	598		696
242	For the relief of James Silvers of Rush county,	488		488	678		699
243	Regulating the tolls and water rents on the Wabash and Erie canal,	490					
244	In relation to water power on the Wabash and Erie canal,	490		490	598		
245	For the relief of Thomas Murphy,	493		543	678		699
246	To amend an act entitled, an act to incorporate the Buffalo and Mississippi Railroad company, approved February 6, 1835,	495		496	546		697
247	To incorporate the church of the United Brethren or Moravians, and to legalize the election and acts of the trustees thereof,	496		496	678		698
248	For the distribution and sale of the surplus copies of the Revised Statutes of 1843,	496		496	673		696
249	To legalize the assignment of certificates to certain school lands in this State,	497		497	673		696
250	To authorize the election of a school commissioner in township 9, range 1 west, in Franklin county,	497		497	673		695
251	Authorizing the location of a State road in Daviess county,	498		498	673		695
252	Defining how sites for water power shall be paid for on the Wabash and Erie canal,	498	543, 616	618		625	
253	In addition to the fifth article of the 40th chapter of the Revised Statutes of 1843,	498	511				
254	To grant new trials in certain cases,	502		509	598		602
255	Fixing the time of holding probate courts in the county of Greene,	502		502	673		696
256	Regulating the issuing of writs of supersedeas,	506		506	673		695
257	To establish a State road from Thorntown, in Boone county, to Roseville, in Clinton county,	506		506			
258	For the relief of Parmenter M. Parks,	506		506	673		696

Number.	TITLES.	*Introduced.*	*Proceedings before passage.*	*Passed Senate.*	*Passed House.*	*Other proceedings.*	*Approved.*
259	Directing the superintendent of the New Albany and Vincennes road to report to the Auditor of State, and authorizing the auditing of reports heretofore made to the Treasurer, -	507		507	682		699
260	To provide for the letting of water power on the Wabash and Erie canal in certain cases, -	507	508				
261	In relation to Thomas W. Dorr, - - -	517					
262	For the relief of George H. Dunn, - - -	526		527	683		699
263	For the relief of George W. Woodall, - -	531	602				
264	For the relief of Juddy Whisman, - - -	531		531	683		698
265	In relation to county surveyors' fees, - -	531	623				
266	In relation to congressional township No. 8 north, of range 5 west, in Greene county, - -	531					
267	In relation to school district No. 1, in congressional township No. 15, - - - - -	532		532	683		695
268	To amend an act entitled, an act to incorporate the trustees of the Laporte University, approved January 20, 1842, - - - - -	532		532	683		700

269	For the relief of the people of the State of Indiana, - - - - - - - - -	590					
270	To vacate Canal street, in Lockport, Carroll county, - - - - - - - - -	591		591	673		696
271	In relation to the State House, - - - -	621					
272	Amending the 7th article of the 6th chapter of the Revised Statutes of 1843, in relation to State Librarian, - - - - - - - -	621					

Number.	TITLES.	Reported from House.	Proceedings before passage.	Passed Senate.	Other proceedings.
5	Providing for holding a special term of the Cass circuit court,	43	43	45	45, 69, 86, 102
1	To vacate a certain alley in the town of West Logan,	63	64, 69	78	118, 152, 152
14	To repeal an act to limit the trustees of Evansville to a certain tax,	63	64	68	86, 102
9	To change the name of the town of Palestine to that of Poseyville,	91	91, 130	151	236, 251
27	For the relief of Jacob Aughee of Warren county,	91	91, 112	151	236, 252
3	To provide for the election of a Senator in Congress of the United States,	142	142		
78	For the relief of Daniel Wise,	142	156	186	212, 213, 251, 252
13	Supplemental to an act entitled an act to change a State road in Sullivan county,	144	144, 161	203	449
17	To change the time of holding probate courts in the county of Daviess,	144	144, 162	187	236, 252
20	For the relief of Owen Russell of Delaware county,	144	144, 194		
22	To extend the term of the county board of Jefferson county,	144	144, 162	187	236, 252

26	Relating to Jackson township in Washington county,	144	144, 162	187	236, 252
34	To amend an act amendatory to Michigan City charter,	144		144	206, 231
2	Providing for the loaning of the school funds of Clay and Posey counties,	162	163, 188	234	449
4	Relative to the appointment of the board of commissioners of Grant county to act as a board of library trustees of said county, and for other purposes,	162	163, 187, 270	289	293, 449
7	To repeal a portion of an act entitled an act declaring Patoka a public highway, and for other purposes, so far as relates to the county of Pike,	162	163, 188	203	267
10	To amend an act to incorporate the Porter county manufacturing company, approved January 13, 1844,	162	163	187	236, 252
11	In relation to patents to purchasers of lands in the reserved townships in Gibson and Monroe, and of the saline lands,	162	163, 188, 274	289	449
18	To authorize the holding a special election in Gibson county,	162	163	168	231, 374
19	To legalize the official acts of the commissioners of the Wabash and Erie canal,	162	163, 200	231	449
24	To amend an act entitled an act abolishing docket fees, dispensing with final records, in certain cases, approved January 28, 1843,	162	163, 219	248	449
25	To change the name of James Cowdrey Smith,	162	164, 188	203	267
127	To provide for the election of Secretary of State and State Librarian,	162	164, 188	204	205, 268, 324, 366

Number.	TITLES.	*Reported from House.*	*Proceedings before passage.*	*Passed Senate.*	*Other proceedings.*
42	To repeal a certain act therein named so far as it relates to the county of Pike,	189	211, 253	253	449
143	For the relief of the president and trustees of the town of Greencastle, and for other purposes,	189	211, 252	279	450
145	To amend an act therein named,	189	211, 253, 307	308	548
148	To establish a State road on the county line between the counties of St. Joseph and Elkhart,	189	212, 252	279	450
162	For the relief of the securities of William H. Darnell,	189		189	162, 236, 252
153	Fixing the time of holding courts in the Clark probate court and to regulate the practice therein,	189	212, 252	279	
152	To incorporate the New Castle band of musicians,	189	212, 252	279	450
66	For the relief of Abigail C. Hovey and Lorenzo D. Hovey, of Carroll county,	197	291, 297, 315	449	662
12	For the incorporation of the Philadelphia industrial association of St. Joseph county, Indiana,	212	213, 338, 375	463	636
58	To repeal a part of section 56, chapter 12, of Revised Statutes of 1843,	212	213, 253, 354	465	547
77	To amend an act providing for the loaning of the school funds of Vigo county,	212	213, 253	279	450
182	To establish an additional place of holding elections in Warren township in Putnam county,	213			
33	To amend an act providing for the election of a school commissioner in Russell township in the county of Putnam,	304		345	
35	To authorize Ruel Starr to erect a mill dam across Calumet river,	304		344	547
36	To repeal the Posey county road law,	304		305	450
41	Limiting the fees of sheriff for extra services in the county of Marshall,	305	345	539	
51	To legalize the election of trustees of the Enon Church of General Baptists in Gibson county,	305		345	547
54	To authorize Dan. C. Shannon to erect a mill dam across the Mississinewa river,	305	344	539	
38	To authorize the board of commissioners of Bartholomew county to erect a toll bridge across the Driftwood fork of White river at Columbus,	305	344	411	547
280	To authorize a special term of the Henry circuit court,	319		319	324
196	To incorporate the Union Literary Society of South Hanover college,	345		345	547
100	To amend an act, entitled "an act authorizing the commissioners of the Wabash and Erie canal, East and West of Tippecanoe, to sell lands in tracts of forty acres, or quarter quarter sections,	345	346, 520		

BILLS AND JOINT RESOLUTIONS OF THE HOUSE—*Continued.*

Number.	TITLES.	*Reported from House.*	*Proceedings before passage.*	*Passed Senate.*	*Other proceedings.*
83	To authorize plaintiffs to collect the bid of purchasers at sheriffs' and constables' sales, and to repeal the 429th section of the 49th chapter of the Revised Statutes of 1843,	346		402	547
99	To amend the 15th chapter of the Revised Statutes of 1843,	346	429		
282	For the relief of the heirs of Hezekiah B. Luckett and Sarah Yandel,	346		346	548
283	To relocate the county site of Martin county,	346		413	549
228	To relocate a part of the Indianapolis and Lafayette State road in the county of Boone,	347	348		
261	To vacate a part of a certain State road in the county of Wayne,	347	348	540	
268	To locate a State road in the counties of Vermillion and Vigo,	347	348	412	503
275	To amend the 7th article of the 13th chapter of the Revised Statutes,	347	349	412	548
277	Declaring a road in Tippecanoe county a State road,	347		349	548

272	In relation to a law of the State of New York, permitting a drawback upon salt of her manufacture introduced within this State,	348	349	463	
64	To authorize the sale of school section in township 4, range 10, in Jefferson county,	349	350	539	
65	To incorporate the Terre Haute draw-bridge company,	349	351, 497	498	
69	For the relief of Ann Matthews,	349	351	429	547
70	To authorize William Jones and Harvey Hoover to construct a dam across the Wabash river,	349	351	463	
72	To confine voters to their respective townships,	349	353, 404	405	663
74	To authorize Abram J. Hostetler to sell and convey certain real estate,	349	360	540	
76	To change the name of Susannah Poe, to Susannah Cundale,	349	360	540	
84	To regulate the fees of county treasurers for receiving and expending the county seminary fund,	349	360	463	547
85	To vacate a State road therein named,	349	360	540	
86	To authorize George French to construct a dam across the Wabash river,	350	360	463	548
88	To amend an act, entitled "an act to incorporate the town of Columbus, in the county of Bartholomew, Indiana," approved February 6th, 1839, and for other purposes,	350	360	412	547
89	To extend the term of the sessions of the board of commissioners of Bartholomew county, and for other purposes,	350	360	541	
90	Providing for the location of a State road in the counties of Kosciusko and Marshall,	350	360	541	

Number.	TITLES.	*Reported from House.*	*Proceedings before passage.*	*Passed Senate.*	*Other proceedings.*
92	Authorizing the auditors of Vanderburgh and Gibson counties to call the boards of commissioners together to hold special sessions in said counties,	350	360	432	663
101	To change the mode of doing county businesss in the county of Crawford,	350		361	547
110	To more properly define the boundaries of Dearborn county,	350	361	541	
108	To amend an act for the protection of wild fruit growing on public lands,	350	361	362	547
112	Regulating the elections of supervisors of roads and highways in the counties of De Kalb and Steuben,	350		361	548
113	To authorize an additional place of holding elections in Redding township, Jackson county,	350	362	541	
114	To authorize the borrowers of the congressional township funds to secure their loans by lands within the proper congressional townships,	350	362	489	
118	Legalizing special sessions of the board of commissioners in the county of Daviess,	350		361	548

119	To amend an act, entitled "an act to amend an act to incorporate the Vevay and Napoleon and other turnpike companies," approved February 8th, 1836, approved January 15th, 1844,	350	362	461	
121	In relation to penalties upon county commissioners,	350	362, 433		
122	To locate a State road therein named, and for other purposes,	350	363	541	
126	To abolish the office of county auditor in the county of Orange,	350	363	466	
128	To amend an act, entitled "an act to incorporate the Warren county canal company," approved January 15th, 1844,	350	363	528	
129	To change the name of Anna Maria Schmoll,	350		363	548
97	On the subject of the Cumberland road, and the harbor at Michigan city,	350		363	547
181	Relating to the selling of clocks and other property by religious or education societies,	364	425		663
197	With regard to the exhibition of the pupils of the Kentucky institution for the education of the blind,	364		541	
302	For the relief of Joana Mahoney,	364	365	464	
303	To authorize the leveeing of Blue river, in Shelby county,	364		365	548
304	To incorporate the Garrick Institute of Knightstown, Henry county,	365	461		
290	To legalize the acts of John Hardin, a justice of the peace of Hamilton county,	365			548
296	Authorizing the county commissioners of De Kalb county to assess a road tax,	365	366	464	548

Number.	TITLES.	*Reported from House.*	*Proceedings before passage.*	*Passed Senate.*	*Other proceedings.*
305	For the relief of George French, of Adams county, -	365	366, 434	484	
291	For summoning grand and petit jurors in the counties of Madison and Hancock, and fixing their fees, -	365		366	548
32	To abolish the office of county auditor in Tipton county,	366		368	547
37	Legalizing certain proceedings had in the office of school commissioner in the county of Marshall, -	366		368	547
43	Declaring Black creek, in the county of Greene, a navigable stream, - - - - - - - - -	366	369, 539	539	
44	To repeal the act entitled, an act relative to overseers of the poor, approved January 15, 1844, so far as the same is in force in Bartholomew and Spencer counties, - - - - - - - - - -	366	369	411	547
45	To authorize supervisors to purchase suitable tools to work the roads with, - - - - - - - -	367	369	490	
50	For the relief of John Sankey of Vigo county, -	367	369, 491, 535	543	
53	For the relief of Joseph Proctor and others, - -	367	369	539	
55	For the preservation of wild deer in the county of Wabash, - - - - - - - - - -	367	370, 437, 438		

60	In relation to the competency or credibility of witnesses in the different courts of this State, - -	367	370, 428		
62	Defining the term of office of the several county treasurers in Indiana, - - - - - - - -	367	370, 513		
63	For the relief of Harrison Barnett and Benjamin Powell, - - - - - - - - -	367	370, 487		
68	To vacate an alley in the town of Pittsburgh, Carroll county, - - - - - - - - -	367		368	547
73	To authorize Gustavus A. Rose and others to file their petition before the board of county commissioners of Laporte county, - - - - - - - -	367		368	547
75	To extend the time allowed county auditors for making out the annual road tax list, - - - - -	367	370, 489		
80	For the correction of errors in assessing property in the county of Jefferson, - - - - - -	367	371, 480		
87	Abolishing the office of county auditor in Putnam county, - - - - - - - - -	367	371, 482		
91	To amend an act entitled, an act relative to licensing groceries in the counties of Carroll and Cass, approved January 31, 1842, - - - - - - -	367	371	543	652
94	To amend certain provisions of the revenue laws in Elkhart county, - - - - - - - - -	367	371, 480		
98	For the relief of purchasers of certain school lands in the counties of Randolph, Scott, and Delaware, -	367	371, 489		
103	Relative to the assignment of canal land office certificates, - - - - - - - - - -	367	372, 521		
105	To amend an act to reduce the tolls on the New Albany and Vincennes road, and for other purposes,	367	372, 542		

Number.	TITLES.	*Reported from House.*	*Proceedings before passage.*	*Passed Senate.*	*Other proceedings.*
106	To legalize the acknowledgment of certain deeds, mortgages, and other instruments of writing required by the laws of Indiana, now in force, to be acknowledged and recorded,	367	372, 434		
110	To amend section 88, chapter 48, article 4, part 3, of the Revised Statutes of 1843,	367	372	431	548
104	To abolish the office of county auditor in the county of Spencer,	367	372, 482		
116	To authorize the citizens of the counties therein named to elect a county surveyor,	367	372, 603		
259	For the relief of Benjamin H. Scott of Miami county,	367	373	482	652
57	On the subject of the refuse public lands in Indiana,	368	373	541	
16	To amend the several acts now in force relative to the discharge of the duties of school commissioners in the counties of Perry, Fulton, and Marshall,	374		540	
117	For the relief of the State of Indiana and for other purposes,	374		512	675

186	Requiring an enumeration of the white male inhabitants of this State,	374	375	604	
309	To legalize the publication of the lands returned and remaining delinquent, and sale thereof, for taxes due thereon, in the county of Cass, for the years 1841, 1842, and 1843,	408		408	420
156	For the relief of Milton Stapp,	420	424, 477, 478, 479,	537	537, 597
40	Fixing the time of holding courts in the eighth judicial circuit,	421	[533 443	443	662
238	For the extension of the time of holding the probate courts in the county of Allen, and for other purposes,	421		464	
249	To amend an act entitled, an act for the relief of Ann Frankbower, approved January 15, 1844,	421		421	548
251	To extend the term of February, A. D. 1845, of the Miami probate court,	421		422	548
48	In relation to a grant of land for the completion of the northern end of the Central canal,	421		422	547
310	Amendatory of an act for the relief of the securities of William H. Darnell, former school commissioner of Hendricks county,	441		441	548
180	Fixing the time of holding courts in the fifth judicial circuit,	451		476	
380	To raise a revenue for State purposes,	546	583	586	675
59	Authorizing the State Treasurer to receive certain treasury notes, and for other purposes,	550	551	598	
109	To amend article 4, chapter 45, Revised Statutes of 1843,	550		551	

Number.	TITLES.	*Reported from House.*	*Proceedings before passage.*	*Passed Senate.*	*Other proceedings.*
115	To repeal an act entitled, an act providing for the opening and repairing roads and highways, and streams, in the counties of Bartholomew, Putnam, Owen, Henry, and Perry, approved January 31, 1843,	550		551	
140	Relative to chancery practice,	550		552	
150	To improve the navigation of Lost river,	550	552	591	
195	To locate a State road in the counties of Allen and Noble,	550		551	
221	In relation to proceedings upon writs of ad quod damnum,	550	552	600	
248	Relative to the expenses of changing the venue in civil causes,	550	552, 624		
169	To modify the 30th section of chapter 16, of Revised Statutes of 1843,	550	552		
254	To allow further time to supervisors of roads to work the same,	550	552		

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256	Explanatory of section 54, article 1st, chapter 16, of the Revised Statutes of 1843,	550	553		
257	Changing the mode of doing county business in the county of Brown,	550		553	
258	For the relief of Jesse Daver and Joseph Lea,	550	553		
265	For the relief of the purchasers of Saline lands in Orange county,	550	553, 599		
266	To amend the 1st article of the 50th chapter of Revised Statutes of 1843,	550	553	556	
273	To repeal a part of the 163d section of chapter 12, of the Revised Statutes of 1843, as it respects its operation in Jackson, Scott, Lawrence, Clay, Warren, Johnson, and Brown counties,	550	553, 555		
287	To require non-resident freeholders to pay a road tax equal to that of resident citizens,	550	556, 623		
295	In relation to the Revised Statutes of 1843,	550	556		
299	To compel speculators to pay a road tax equal to that paid by actual settlers, in the county of Tipton,	550	556		
301	For the relief of the creditors of John Graves, late of Clay county, deceased,	550	556	623	
271	On the subject of a turnpike road from Bloomington to Columbus, through Brown county,	551		557	
222	To amend an act to provide for the continuance of the construction of all or any part of the public works of this State by private companies; and for abolishing the board of internal improvement, and the offices of fund commissioner and chief engineer, approved January 28, 1842,	557	604	615	618, 675

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BILLS AND JOINT RESOLUTIONS OF THE HOUSE — *Continued.*

Number.	TITLES.	*Reported from House.*	*Proceedings before passage.*	*Passed Senate.*	*Other proceedings.*
189	To extend the time to the collectors of Bartholomew and Delaware counties, to settle the State and county revenue of said counties, for the year 1844, -	558	559, 599	664	
274	Changing the time of holding courts in the seventh judicial circuit, - - - - - - - -	558	559		
236	Providing for the better collection of the water rents due the State, - - - - - - - -	558	570	625	
264	To incorporate the Michigan road company, - -	558	570	635	
276	To regulate judicial notices in the county of Daviess,	558	570	570	665
312	To incorporate the Indianapolis and Peru turnpike company, - - - - - - - - -	558	570		
316	For the relief of the securities of Daniel Carle, - -	558		570	
317	To locate a State road therein named, - - - -	558		571	
318	To change a certain State road in Elkhart county, -	558		571	
319	To locate a State road in the county of Marshall, -	558		571	
322	Declaring Big Blue river a public highway, - -	558		571	
323	To incorporate the town of Bloomington, in the county of Monroe, - - - - - - - -	558		571	

324	Vacating a part of a State road therein named, - -	558		571	
325	To authorize the school commissioner of Porter county to sell a certain tract of land to Benjn. N. Spencer, Charles E. DeWolf and Joseph Bartholomew, -	558		572	
326	Changing the mode of doing county business in the the county of Putnam, - - - - - -	558		572	
335	Legalizing the proceedings of the board doing county business in Martin county; and also of James Dilley, as treasurer and collector, - - - - -	559		572	
345	To amend an act entitled, an act to incorporate the College Corner and Liberty turnpike company, and the Liberty and Abington turnpike company, approved January 15, 1844, - - - - - -	559		572	
348	To locate a State road in Miami, Richardville, and Tipton counties; and also to locate a State road in Richardville and Clinton counties, - - - -	559		572	
354	To authorize William Conner and John D. Stephenson, to erect a mill dam across White river, in Hamilton county, - - - - - - - - -	559		572	
355	To provide for the incorporation of the town of Lafayette, in Tippecanoe county, - - - - -	559		572	
361	To repeal an act entitled, an act to amend the 4th article of the 16th chapter of the Revised Statutes of 1843, so far as relates to the counties of Washington and Jackson, approved January 5, 1844, so far as relates to the county of Washington, - -	559	573	573	
390	On the subject of the Wabash and Erie canal, - -	569		569	
61	Exempting personal property from execution, - -	573		575	

Number.	TITLES.	*Reported from House.*	*Proceedings before passage.*	*Passed Senate.*	*Other proceedings.*
133	To amend the 73d section of the 4th article of the 15th chapter of the Revised Statutes of 1843, -	573	581		
134	To appoint examiners of common school teachers in the counties of Switzerland, Hancock, Allen, and Orange, - - - - - - - - -	573	575	576	683
136	Extending the provisions of an act entitled, an act to provide for the appointment of township assessors in certain counties therein named, and defining their duties, approved January 15, 1844, to the county of Clay, - - - - - - - - - -	573		576	
137	To restrict the grand jury in Franklin county to a limited time in their sessions, - - - - -	573		576	
139	Changing the election of school trustees in the counties of Dekalb and Steuben, - - - - - -	573		576	
141	To provide for a uniform mode of doing township business in the county of Clay, - - - - - -	573		576	
144	For the relief of Sintha Parks, widow of Alexander Parks, deceased, - - - - - - - -	573		576	
147	For the appointment of commissioners of the reserved townships of land in the counties of Gibson and Monroe, - - - - - - - - -	573		577	
151	Declaring Deer creek in Perry county, a navigable stream, - - - - - - - - -	573		577	683
157	To provide for issuing an execution to any county in this State, in certain cases, - - - - - -	574	577		
158	To extend the time of holding the probate court of Montgomery county, - - - - - - -	574		577	
159	To amend the 2nd article of the 42nd chapter of the Revised Statutes of 1843, - - - - - -	574	577		
160	To authorize the county treasurer of Dekalb county to apply certain State revenue in his hands, - -	574	578	633	
209	To regulate the jurisdiction of justices of the peace in the counties of Lake and Porter, - - - - -	574		578	
311	To incorporate the president, directors & co., of the Indianapolis and Andersontown canal company, -	574	581, 635, 364, 365,		
328	For the relief of the heirs of Noah Noble, deceased, -	574	581		
384	To provide for the binding of the laws and journals, -	574		580	
386	To authorize the county commissioners of White county to grant licenses to clock pedlers, - - - -	574		580	
288	For the relief of the collector of Greene county, -	574		580	
389	To locate a State road in the counties of Tippecanoe and Warren, - - - - - - - - -	574		580	
392	To repeal the 93d section of the 2d article of the 53d chapter of the Revised Statutes of 1843, so far as the same relates to the county of Boone, - - - -	574		579	

Number.	TITLES.	*Reported from House.*	*Proceedings before passage.*	*Passed Senate.*	*Other proceedings.*
393	Reviving and amending a certain act, entitled, an act to compel speculators to pay a road tax, equal to that paid by actual settlers, approved January 31, 1842,	574		578	
394	To change the name of the town of Faithsville to Parkersburgh, in the county of Montgomery,	574		578	
395	In relation to road tax upon canal and school lands in the counties of Wabash and Miami,	574	379		
396	To improve the breed of horses in Jay county,	574		578	
397	To do justice to the people of Martin county,	574	578	625	
399	To vacate the town of Berlin, in the county of Fayette,	574		578	
155	On the subject of the Cumberland road,	574	579		
379	Making general appropriations for the year 1845,	586		587	615, 627,
420	Making specific appropriations for the year 1845,	629	629, 632,	632	652
81	To diminish the costs and expenses of defendants in suits at law,	636	637		
161	To authorize the board doing county business of the county of Miami to do a certain act,	636	637		
165	To amend the law relative to licenses to vend clocks,	636		637	

171	In relation to justices and other officers in Laporte county,	636		637	
167	For the relief of Robert Harbison,	636		639	690
172	Authorizing the election of an auditor in Clay county,	636		637	
173	To amend Revised Statutes, section 63, page 170,	636	637		
175	Fixing a certain annual compensation to the auditor of Hamilton county,	636		638	
179	To legalize certain proceedings in the probate court of Carroll county,	636		638	
185	To allow a bounty on wolf scalps,	636		638	
187	To authorize pirogues and canoes to navigate the Wabash and Erie canal,	636		638	
190	To locate a State road in the counties of Whitley and Kosciusko,	636		638	
192	To locate a State road therein mentioned,	636		638	
193	To authorize a settlement with Cornelius Ferree, and for other purposes,	636		638	
194	Providing for the location of a State road in Randolph and Jay counties,	636		638	
201	For a more equitable mode of distributing the interest arising from the school fund in Orange county,	636	639		
202	Legalizing the selecting, drawing, &c. of the grand and petit jurors for the county of Daviess,	636		638	
204	Incorporating the Kosciusko and Allen turnpike co.	636		638	
237	To amend an act entitled, an act to provide for the reduction of the State and individual stock in the State bank, and for other purposes, passed February 2, 1843,	636	639		

BILLS AND JOINT RESOLUTIONS OF THE HOUSE—*Continued.*

Number.	TITLES.	*Reported from House.*	*Proceedings before passage.*	*Passed Senate.*	*Other proceedings.*
279	To regulate the mode of doing township business in the county of Elkhart,	636		638	
308	For the benefit of John Yount and Philip Weaver,	637		638	
403	Providing for the fees of the auditor of Hancock county,	637		638	
419	Giving the tax payers of Spencer county their just rights,	637			
199	Relative to the reduction of the price of the public lands,	637	639	640	
313	To incorporate the Logansport brass band,	639			
385	To incorporate the College Corner and Centreville turnpike company,	639	640	640	665
409	To incorporate the Newcastle and Andersontown turnpike company,	639	640	641	665
410	For the extension of a State road in Laporte county, to Winamac in Pulaski county,	639		640	
411	For the relief of the county seminary of Tippecanoe county,	639		640	

412	Relative to the school funds in township No. 10 north, range 1 west, in Monroe county,	639		640	
414	To amend an act, entitled "an act to detach certain territory from the county of Miami and attaching the same to the county of Fulton," approved January 15th, 1844,	639		640	
417	For the relief of John P. Case and Absalom Hyter, administrators of the estate of John Case, late of Dearborn county, deceased,	639		640	
408	On the subject of Oregon territory,	639	641	641	
369	To repeal an act, entitled "an act to change the mode of doing county business in the county of Scott,	641		643	
370	To amend an act, entitled "an act for the relief of David D. Weddle of Brown county," approved January 13th, 1844,	641		643	
373	To amend an act, entitled "an act to incorporate the Wabash bridge company,"	642	642		
375	To amend an act, entitled "an act to change the mode of doing county business in the county of Clay," approved January 17th, 1842,	642		642	
377	To amend an act, entitled "an act to incorporate the city of Logansport," approved February 17th, 1838, and for other purposes,	642	642		
378	In relation to the fees of recorder and auditor in Wabash connty,	642		643	
422	To incorporate the Michigan road company, south of Indianapolis,	643	643	643	665

BILLS AND JOINT RESOLUTIONS OF THE HOUSE — *Continued.*

Number.	TITLES.	*Reported from House.*	*Proceedings before passage.*	*Passed Senate.*	*Other proceedings.*
424	Authorizing copies of State documents to be forwarded to the New York Historical Society,	644		644	
206	Correcting the boundary line of Richardville county,	644		644	
200	To require the payment of revenue into the State Treasury,	644	645		
278	Relative to guardians and wards,	644	645		
359	For the relief of purchasers of certain canal lands in Cass county,	644	645		
363	To amend an act, entitled "an act to establish an asylum for the education of deaf and dumb persons in the State of Indiana,"	645		645	
401	In relation to proceedings in the probate courts,	645		645	
405	Authorizing the school trustees of the proper townships in Harrison county, to hear and determine certain applications for relief of purchasers of school lands,	645	645		
343	Joint resolution in relation to interest on Wabash and Erie canal lands east of Tippecanoe,	646		646	

67	Act for the restoration of the burned records of Miami county,	646	646		
346	To incorporate the Lagrange phalanx,	647	647	647	690
321	For the relief of Alexander McClelland,	647		647	
347	To revise an act, entitled "an act to incorporate the city of Logansport," approved February 17th, A. D., 1838,	652		655	
267	To change the time of holding the probate courts in the counties of Martin and Franklin,	652	657	657	657, 658, 690
131	Repealing section 76th, article 4th, chapter 15th, of the school laws of the Revised Code, in the counties of De Kalb and Steuben,	652		655	
188	Authorizing the claim of damages against the Madison and Indianapolis railroad company, in certain cases therein named,	653	658		
198	Joint resolution relative to the distribution of the proceeds of the sales of the public lands,	653	658		
211	Act to amend an act, entitled "an act to provide for the collection of debts due from the Lawrenceburgh and Indianapolis railroad company,	653		655	
212	Prescribing a uniform mode of ascertaining by weight the quantity of the different kinds of grain that shall pass for a standard bushel in this State,	653	658		
307	In relation to the public debt,	653	661, 662		
329	To change part of a State road in Tippecanoe county,	653		655	
331	To abolish the office of county auditor in certain counties therein named,	653	657		

BILLS AND JOINT RESOLUTIONS OF THE HOUSE—*Continued.*

Number.	TITLES.	*Reported from House.*	*Proceedings before passage.*	*Passed Senate.*	*Other proceedings.*
336	To change the name of the town of New Market, in Miami county, to Chili,	653		656	
338	To repeal part of an act entitled, an act vesting the duties of school commissioner in the county treasurer in certain counties, approved January 15, 1844,	653		656	
339	To locate a State road in Ripley and Dearborn counties,	653			
342	Joint resolution for the relief of the heirs of Henry Martin,	653		656	
349	Act to revive an act therein named,	653		656	
351	To repeal an act entitled, an act for the relief of the Miami and other Indians, and also the third section of the twenty-eighth chapter of the Revised Statutes,	653	659		
352	To amend the fifth article of the twelfth chapter of the Revised Statutes of 1843, so far as relates to the county of Morgan,	653		556	
270	Joint resolution on the subject of the public lands in the State of Indiana,	653	658		

286	Act to relocate a State road in the counties of Randolph and Delaware,	653		655	
292	Establishing a State road in the counties of Putnam and Clay,	653		655	
298	Providing for the education of the indigent blind of the State of Indiana,	653	658		
320	For the relief of Alexander Beard,	653	659, 660	660	
213	To legalize the official acts of Mark Manlove, road commissioner,	653		655	
214	Relative to official bonds,	653		655	
215	To encourage female school teachers in the county of Franklin,	653	659		
218	Declaring Lick creek, in Owen county, a public highway,	653		655	
225	To amend the probate law,	654			
226	For the relief of the poor,	654	658		
227	To change the venue in certain suits instituted by the Vincennes University,	654	659		
232	In relation to the navigation of the St. Mary's river,	654	660	660	664
233	To relocate a part of a State road therein named,	654	659, 663	663	
234	To locate a State road therein named,	654		655	
239	To regulate the attendance of grand jurors in the fifth judicial circuit,	654		655	
241	To prevent the election of public defaulters,	654		655	
242	Fxing the fees of jurors in the several counties therein named,	654	662	662	664
243	To locate a certain State road therein named,	654		655	

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Number.	TITLES.	*Reported from House.*	*Proceedings before passage.*	*Passed Senate.*	*Other proceedings.*
244	To carry into effect the provisions of a certain act therein named,	654		655	
246	To authorize Mary Ann Bruner, of Ripley county, to file her bill in the Ripley circuit court, for a divorce from her husband Joel Bruner,	654	659		
255	To amend the 109th section of the 16th chapter of the Revised Statutes of 1843,	654	659		
263	To incorporate the Indianapolis and Lafayette turnpike company,	654	657	657	664
356	To compel speculators to pay a road tax equal to that paid by actual settlers in the county of Randolph,	654			
357	Defining the duties of petitioners for the formation of new counties,	654		656	
358	For the relief of Ebenezer A. Goddard, of Adams county,	654		656	
360	To amend an act entitled, an act abolishing the fee for issuing patents to purchasers of Wabash and Erie canal lands, approved January 13, 1844,	654		656	

362	For the relief of purchasers of school lands in the counties of Randolph and Delaware, belonging to congressional township No. 8, of Monroe county,	654		656	
365	Limiting the fees of the auditor in the county of Marshall,	654		656	
366	To legalize certain acts of masters in chancery in the counties of Fulton, Marshall, and Laporte, and for other purposes,	654	660, 661	661	672
367	To incorporate the Milltown bridge company,	654		656	
368	Allowing additional compensation to the auditor of Monroe county,	654		656	
372	For the relief of the purchasers of lands in the seminary townships in Monroe county,	654		656	
374	Concerning releases,	654	659		
387	Joint resolution to loan a theodolite to Asbury University,	654		656	
391	To correct an error in an act entitled, an act to authorize the board doing county business in the county of Clay to transcribe a certain record therein named, and for other purposes, approved February 9, 1843,	655		656	
418	To authorize the superintendent of the Wabash and Erie canal to construct an additional vent or vents to the culvert over the creek in the town of Lagro, in the county of Wabash,	655	659		
123	To extend the time of payment upon sales of canal lands east of Tippecanoe river,	663	663		
300	To vacate part of a State road therein named,	663			

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306	Giving to the borrowers of the sinking fund and other funds of the State further time to make payment, -	663			
327	Relating to the auditor of Washington county, -	663			
333	To locate a State road from Nathan Hollowell's to Orleans, in Orange county, - - - -	663			
334	In relation to an alley in Georgetown, Floyd county,	663		664	
337	To locate a State road in Sullivan county, - -	663			
364	To enable the county board of Putnam to make a compromise with the collector of taxes, - - -	664	665	665	

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